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## PUBLISHED BY REQUEST.

A True Copy of the original Bill for "incorporating the Ohio yearly meeting," as presented to the last session of the Legislature by the Orthodox Friends.

To incorporate the Ohio yearly meeting for certain purposes therein specified.

Whereas the Ohio yearly meeting of Friends have received by donation, subscription and otherwise, property and funds for the purpose of establishing a boarding school and now have the promise of further donations and gratuities from other yearly meetings and individuals, for the same and like purposes; and whereas, the said Ohio yearly meeting, in the prosecution of the object for which said donations and gratuities were made, have purchased real estate, near Mount Pleasant, in the county of Jefferson, the legal title of which is now in David Uplegraffin trust; Now, therefore, to enable the said Ohio yearly meeting to take, hold and fully execute the trusts aforesaid, and all other like trusts created and held for like purposes.

**SECTION 1.** Be it enacted by the General Assembly of the State of Ohio, That William Flanner, Isaac Parker, Benjamin W. Ladd, John Street, Jesse Kenworthy, Levi Miller, & their associates, being members of the said Ohio yearly meeting, be and they are hereby created a body politic and corporate, by the name of the "Ohio yearly Meeting," and as such shall have perpetual succession, according to the discipline, and order of the society of Friends, called Quakers, and shall be capable by that name of suing and being sued, of pleading and being impleaded, in all courts of law and equity; and when sued or prosecuted in any way, the service of any process by copy on the clerk of said yearly meeting, shall be taken and received in all courts as good and legal service. And the said yearly meeting is hereby made capable of establishing, regulating and governing the boarding school for which donations have been made as aforesaid, and any other school or institution of a literary, benevolent or religious character, for which donations, gifts or charities, have been or may hereafter be bestowed; and for those purposes shall be capable of receiving, holding and enjoying any estate, real, personal or mixed, and of transferring and alienating the same; and all contracts heretofore made by said yearly meeting for and on account of the donations, subscriptions or gratuities before mentioned, and within the purposes and objects thereof, shall enure to the benefit, and become the right, of the said yearly meeting under this act of incorporation; *Provided*, nevertheless, that the real estate which the said "Ohio yearly meeting" may at any time possess in its corporate capacity, shall not exceed in its yearly income the amount of five thousand dollars; and *provided also*, that any future Legislature may alter or amend this act, limit or modify the powers herein granted, as may seem consonant with the public welfare and consistent with vested rights.

**SEC. 2.** That the Ohio yearly meeting (so long as it shall continue in unity with the great body of the society of Friends called Quakers, in Europe and America, that hold the ancient doctrines and principles of church government of the said society) shall have the power in its regular sittings, and in the regular and orderly manner of transacting business, according to the usages and discipline of said society of adopting any proper measures, orders or regulations for the establishment and government of the said boarding school or other school or institution which said yearly meeting may establish by virtue of, and within the powers given by this act; and of appointing and changing such agents, officers or committees as may be necessary, and of investing them with such powers as may be requisite to accomplish the objects of this act; *Provided* that in every case in which any donation of any kind has been made, or shall hereafter be made to the said "Ohio yearly meeting" for any literary, charitable or religious object or purpose, the intents of the donor shall forever be regarded, and the donation shall forever be used, employed and appropriated to the sole and only object and purpose for which the donor intended it; *Provided also*, that the funds or other property of the said yearly meeting, whether held in trust or in its own right, shall never be employed in the business of banking.

**SEC. 3.** That nothing in this act shall impair or alter, or in any wise effect, any of the usages, customs, orders, or rules of discipline, used and practised by the said Ohio yearly meeting, or their meeting for sittings, or other subordinate branches of said Ohio yearly meeting, touching their religious concerns, or the religious rights and privileges of the individual members thereof, or the property which the said Ohio yearly meeting now holds and enjoys for the common use and benefit of the whole society; all which usages, customs, orders, rules, discipline, rights and privileges and property, are reserved to the said meeting and its members, in the same manner and to the same extent as though this act had not been passed.

Remarks in the Ohio Legislature of Mr. BLOCKSON in the House of Representatives, Feb. 20th, on the motion to postpone the Bill to incorporate the Ohio Yearly Meeting indefinitely, the motion to postpone until the first Monday of December next, being also pending.

**Mr. Speaker.**—From the little consideration which I have given this subject, I am not able to discover any material difference, as to the ultimate consequence between postponing this bill to the first Monday of December next, or postponing it indefinitely. I have supposed that the principal, and, perhaps, only benefit to be derived from postponing a bill to a succeeding session, over postponing it indefinitely, was, that the expense of advertising a second time, and the trouble of procuring new petitions were saved to the party applying for the action of the Legislature. If I am correct in this position, it is a matter of no consequence whether this bill be postponed until the first Monday of December next, or postponed indefinitely. This bill if my recollection is correct, was introduced into the Senate on leave, and without any petition; or if there was any petitioners were few in number. If I am incorrect on leave, and without petition, I ask the gentleman from Jefferson (Mr. McCauslen) to correct me. The gentleman says I am incorrect. Be it so, if the petition is referred to, it will be seen that it is signed by very few; perhaps only by the half dozen whose names are sought to be incorporated by this bill. Then, Sir, it is not necessary that this bill should be postponed to the first Monday in December next, in order that the trouble of procuring new petitions may be saved. A new petition signed as numerous as this is, may be procured without much trouble or difficulty. As to the notice required by the act of Assembly of the intention of making the application for the passage of an act of incorporation, where is it? What evidence have we that the notice required by law has been given? Where there are so many persons interested, and so much property concerned will we not require some proof that the notice required by law has been given? The fact is, that no such notice has been given, and if the gentleman (Mr. McCauslen) who appears to have the care of this bill, had not himself moved for its postponement to the first Monday in December—and had endeavoured to procure its passage through this House, I should have insisted, and earnestly insisted, that he should produce some evidence that the legal notice had been given. Then, Sir, if it is a case which requires notice as it actually is, there can be no expense saved by not postponing it indefinitely.

The gentleman who has preceded me in the brief discussion that has taken place on this subject, have all had reference to the division which is well known to exist in the society of Friends. In the few further remarks which I have to submit, I shall view them as one, united body of people, and as if no division had ever taken place among them. When I cast my eye over the preamble and first section of this bill, I see enough to carry conviction to my mind, that it ought not to pass into a law. It is stated in this preamble that there is a large amount of property, real and personal, belonging to the Ohio Yearly Meeting. The gentleman (Mr. New-) who last addressed you says, that he does not apprehend that any difficulty can arise from the passage of this bill; but the difficulties suggested are "phantoms conjured up by the members of the party in this House," that this bill has been referred to the Judiciary committee in the Senate, and that it has passed that body. Sir, I have every respect for the gentlemen composing that committee—they are gentlemen of much legal learning, and stand high in their profession—but with all due deference to them, I ask the liberty of thinking, judging and acting for myself in this matter.

Who are the members of the Ohio Yearly Meeting, into whose hands we are about to legislate all this property spoken of in the preamble?—Why, Sir, we are told in the first section of this bill that they are the six men whose names are therein mentioned, and their associates. Who are their associates; and how many are there of them? We have no evidence that these six men have, or will have, any associates, or if they have, that they are, or will be more than two in number who they will admit to legislate the whole of this property into the hands and possession of these six or eight men.

But gentlemen tell us there is a proviso in this bill which saves and excepts the rights of others. Yes, Sir, truly there is a proviso and let us examine its saving effect. To do this, it may be necessary to inquire who the persons are that really compose the Ohio Yearly Meeting?—They are the whole body of Friends residing in the principal part of the State of Ohio, the Western parts of Pennsylvania and probably Western Virginia; these are the persons that compose the Ohio Yearly Meeting. If we pass this bill into a law, and put into the possession of these six or eight men all the property of the society, and if they think proper to retain it, what remedy will the other members of the society have? What will be the benefit of this proviso; and what remedy will they have?—If they wished to bring a suit at law, or file a bill in chancery against these six or eight men, would not every member of the society, numerous as they are, and inhabiting so large a tract of country as they do, have to join as plaintiffs or complainants in the suit? If they would, this would render it impossible for

them to reap any benefit under this proviso. But suppose for a moment that the names were collected, and a suit commenced, the difficulties would not be surmounted. It is a fact well known, that in the society of Friends, every child that is born into the world, is at the same time born into the church and becomes a member of the Ohio Yearly Meeting, if its parents reside within the bounds of that Meeting. Would not these children as they became members of the Meeting, have to be joined as plaintiffs or complainants to the suit? In addition to this, in a suit where the members of one of the parties were so numerous, many deaths would occur, and the party plaintiffs or complainants, would be continually changing, and the result must be a failure of success. Of what service, then, is this proviso, or any other that can be inserted in this bill? From this hasty view of this subject, I think this bill ought never to pass into a law, and shall therefore vote for its indefinite postponement.

**MR. KEEDER.**—I rise Mr. Speaker, to make a few remarks in relation to this bill. First in order to explain my views, and the principles which shall govern my actions, in relation to it; and secondly, to give what information which, perhaps, is not generally known.

The Society of Friends, is divided into two parties; each claiming to be the Society of Friends, and each holding an equal interest, in proportion to their numbers, in stocks, lands and tenements, held in common.—Now as neither party, nor the Society conjointly, are known in law, it would be a violation of the principles of justice toward both parties of this Legislature to recognize the principles contained in this bill. For it is evident that it would be granting exclusive jurisdiction to one party, over funds, lands and tenements, which are now held by both parties, as tenants in common. To recognize either party, as the Society of Friends, by an act of legislation, would be doing great injustice to the other party, until after they shall have settled their differences and disputes; for it would subject them to long and expensive litigation; if not to actual loss. Neither party being known in law, it would be impossible to recognize one party by law, as the society of Friends; and at the same time to guard the rights and interests of the other party, with out taking cognizance of them and all the names of these individuals who constitute such other party.—Now, Sir, in order to do justice to both parties, they should both be heard on the subject. Whereas, the party which has manifested the most honest, just, and Christian like disposition; having held out overtures of compromise and solicited their brethren of the other party, time and again to settle their differences amicably, and upon the principle of justice and honor, are not heard on the occasion at all, or at most but partially.—It is true that after this bill had been got up in the most secret manner possible, and had passed the Senate, they were informed for the first, that such a project was on foot. And gentlemen, what do they do? They tell you that they feel it a duty to remonstrate against it. They having full confidence in the integrity of this House, have sent on their remonstrance, signed by many of the most respectable citizens of this State; it is true many have signed their remonstrance who are not members of the Society; but I would ask gentlemen is not this an evidence of the righteousness of their cause? And what do they tell you in their remonstrance? In the language of the true Quaker, they tell you they cannot so far recognize their rights to bear arms as to apply for such an act; Gentlemen, if there were no rights involved in this question, and we were desirous to pass a law for the express purpose of disgracing this people; this is the very act we ought to pass, we could pass none that would more effectually do it. While the other party to whom these friendly and christian overtures have been repeatedly made, and who have as uniformly treated them with scorn, declaring to the whole world, that they would have all the property or none; are now seeking to obtain an act of this Assembly, recognizing them as the Society of Friends to the exclusion of their brethren. Do they not thereby tell us in so many words, that they are willing to forego their claim to the title of Friends? If I understand any thing of the principle of this Society and of the use of language they surely do. May we not reasonably expect to see them ere long in our muster ground, and if need be, in the field of battle? This would be a great acquisition I admit, but we have no need of passing this law in order to obtain it, for surely they will never plead conscience in bar, to their defending their country hereafter.

There never has, nor can there ever be, more than one Society of Friends, without some contradiction. There may have been parties in the Society, or rather, parties may have gone out from the Society.—There was once a party denominated the Keith party, that rose up in opposition to William Penn, but that party has long ceased to exist; if that party had been recognized by law as the Society of Friends, then the Society of Friends must have become extinct ere now. There was also a party who styled them-

selves Free Quakers; but they also have nearly, or perhaps quite, become unknown.

There is now a party who have officially announced themselves as Orthodox Friends, Quakers, as the records of the Court of Chancery in a sister State will show. And why do they lay claim to the high and imposing title of Orthodox Friends? Because they claim to have all the Religion of the whole Society; and are now calling upon us to assist them in acquiring all the property.—How does this comport with the character of the genuine Quaker? Would it not have been more honorable in them—more consistent with the character of that ancient and respectable Society to have first settled with their brethren; giving to each his lawful right? Let them do this first, and then if they come forward in the name of Free Quakers, (whose principles they appear to approximate) or any other name save that of the Ohio Yearly Meeting of Friends, we can have no objection to incorporate them; but to incorporate them in that name would be to cast a burlesque on religion—we cannot do it. But no, say they, we are the Orthodox Friends; we have all, the religion and we will have all the property to boot.

While their brethren, little thinking of what is transacting here; never having no voice in the matter whatever, are anxious and waiting to do justice between man and man. They are willing to allow their Orthodox brethren so called, an equal quota of the religion also! They do not come here seeking favours that would conflict with the interests of their brethren; thereby disgracing the high character which they have heretofore sustained. No, they intend to exhibit to the world by their actions—by the fruits of their religion, that they are worthy to be called the family of Penn.—They know that to apply to a Legislative body for an act to incorporate their meetings or their schools, would be a direct violation of the principles by which they profess to be governed.

Who, ever has at any former time known this people, or any party assuming their names, to apply for the benefit of such a law? They have had their meetings, and they have had their schools from the commencement of the Society, without such aid. And now for the first time do they think it necessary to call the law to their aid and support (or a party assuming their name,) and under circumstances too, which involves suspicion of fraud and deception.

Let us for a moment Sir, retrospect the origin and history of this ancient Society, and we will find that it is peculiarly entitled to our most respectful consideration. The Society of Friends was founded by George Fox; a man who rose cotemporary with Sidney, and the patriots of that day, wherein the rights of man first began to be properly appreciated and understood, and the tyranny of the house of Stuart was begun to be effectually resisted. It is a subject of philanthropic regret that the principles of the genuine Quakers are so imperfectly and partially known, disseminated and practised upon. Their moral tendency will be found to be directing the axe of reformation at the root of king-craft and priest-craft; and they have done much toward the eradicating of both by maintaining the rights of man at every hazard. An unjust law, even though enacted by tyrants expressly for the purpose of oppressing and exterminating this people, will be as completely inoperative so long as they adhere to their primary principles (and I trust that there are many who do) as the passing zephyr, which is never heard and but slightly felt. Let this bill become a law and I venture to predict, that twelve months will not have passed away before the jails of the counties where this people reside, will be filled to overflowing. "Equal rights and strict justice" is, and ever has been, their motto; and no law ever has, or can, be enacted, which will have power to divert them from their purposes. They will continue to assemble in the places and for the purposes that they know is by justice guaranteed to them, any law to the contrary notwithstanding. Their Orthodox brethren; yes, this party of ephemeral growth, who claims every thing spiritual and temporal, when thus legalized in the commission of fraud, will avail themselves of the advantages thus derived, and by the aid of Sheriffs, Constables, and posse comitatus, will drag the Hicksites, to whom the appellation of christian seems more justly to belong; from altars raised for the worship of a merciful Creator and incarcerate them in loathsome and filthy dungeons, thrusting them amid common felons, until justice itself shall mourn and mercy cry aloud; and every patriot's soul becomes pierced with the groans of oppression? Shall we be accessory to acts of outrage like this?—Heaven forbid! Gentlemen may feel astonished to think that in this age of boasted light and Christian piety, there should be any forebodings of scenes like these; but we can only by analogy judge of the future from the records of past, and I will refer Gentlemen to the records of the Court of Jefferson county, as one source of evidence upon which this prediction is based. Those books will convince every man who will take the trouble

to examine them, that the spirit of persecution is, and has been at work; and all that it wants to carry it on uncontrolled, perpetrating its dread designs, is the aid of the strong arm of the law applied seriously and with weight and power!

Yes, Sir! there is the testimony recorded, proving to the world, that some fifteen or twenty of this peaceable and respectable Society were dragged from the Temples of worship and imprisoned within the dungeon's gloomy walls; and this, Sir, by this very party who are asking for the act of incorporation.—Sir, perhaps, I may be in part mistaken, I think I have been informed that one of the victims of this vindictive spirit was not a member of this Society. But Sir, he is a gentleman of undoubted talent and respectable ability, and what do gentlemen suppose that he was imprisoned for? Why, Sir, it was because he committed the unpardonable sin of shouting Huzza for Jackson; and that too, at a trial when the martial spirit appeared to predominate over every other. But to be serious Sir, I trust I have said enough to convince this house of the danger of premature legislation on this important matter. I feel that I have discharged my duty towards my own conscience, and the high responsibility under which I act. And with a firm confidence in the virtue and integrity of this honorable body I leave the fate of the bill to their decision, hoping that the motion to postpone the bill indefinitely will be sustained.

**MR. HARLAN.**—We are informed, Mr. Speaker; that the Ohio Yearly Meeting of Friends is divided into two parties; how far this may be correct few of us are able to say, but I have my doubts of its being a fact. I will admit, (as the gentleman from Fairfield hath stated,) a large party has gone out from the Society of Friends; who, as we are informed, have officially denominated themselves Orthodox Friends or Quakers. Now, Sir, the question will naturally arise, whether it is this party, or the Society of Friends that has applied for this act. On a proper solution of this question, much as to the justice or injustice of what we may do this day depends. Then, how is this question to be solved?—What clue have we that will bring us to the truth of the matter? We are well aware that the party praying to be incorporated, claim to be the Ohio Yearly Meeting of Friends. But what evidence have we that Ladd, Parker, Street, Flanner, Miller and their associates, are members of the Society of Friends? Why, Sir, we have not the shadow of testimony that would go in the least, to make it appear that they have the most distant claim to that title. This last section in the bill, which has been put as an amendment, seems to admit, and the gentleman from Jefferson (Mr. Leetch) tells us that in his opinion this amendment is sufficient to guard the right of the Society of Friends; but I must beg leave to dissent from the opinion of that honorable gentleman. The first section of this bill, goes to recognize and establish Ladd, Flanner, Parker and their associates, as the Society of Friends, and after we shall have done this, vain will be the attempt to guard the rights of the Society; we will have legislated them away. And to whom? To the Society of Friends? No, Sir, but to Ladd, Parker, Flanner their associates! And who is it then they associate with? Why, Sir, it appears that they are some of the leaders of this orthodox party; of course, their Orthodox Friends. The self-styled Simon Pures of the land are their associates, if they have any. And, Sir, if I was to judge by their actions and I know of no other criterion by which to judge in this case, I should think that the whole weight of testimony, as to their being the Society of Friends goes directly against them. We are told that they have already stretched out the iron rod of persecution over the heads of those with whom they had wont to be in fellowship. Sir, who ever heard of the Society of Friends, persecuting any body to bounds and imprisonment?

Gentlemen may think that it was but a light matter, that it was no great hardship to be cast into prison to be fed on bread and water thirty minutes and be fined six and one fourth cents, but the very fact of their being fined no more goes to prove that justice had to mourn, the innocent to suffer, in order to fulfil a law that never was intended to be used for so unrighteous a purpose; and this bill, if it becomes a law, will cap the climax of the whole, independent of the provisions and guards that gentlemen seem to rely so much upon. But who ever heard of the Society of Friends being guilty of such an outrage on humanity, as to