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WILLIAM SALTER,

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For "The Friend."

## INTERESTING LAW CASE.

A case has recently been argued before the vice chancellor in the city of New York, which has excited considerable interest, and is important in the bearing which it may have on other religious societies. The facts, as we understand them, are these. The congregation of the Reformed Presbyterian church, in Chamber street, New York, was governed by a consistory, composed of the minister, deacons and elders. Alexander M'Leod was elected pastor of the church about twenty-eight years ago—they owned a house of worship and other property valued at about \$20,000. In the year 1820 the pastor, with a majority of the consistory, applied for and obtained an act of incorporation in which the consistory were constituted trustees during life. This act of incorporation was alleged by the plaintiffs to be contrary to the usages and the discipline of the church, and to have been obtained without the general knowledge of the congregation, and without its provisions, object, and operations having been previously explained to the deacons.

Owing to the inability of A. M'Leod to perform the pastoral duties, a majority of the consistory had employed his son, John N. M'Leod, to supply his place; and while filling this office, he was suspended by a sub-synod of the Reformed Presbyterian church, notwithstanding which, he continued to occupy the pulpit, and was supported in doing so by a majority of the consistory, who had agreed to pay him a salary out of the funds of the congregation. The plaintiffs further alleged that the defendants had departed from the doctrines, discipline, and usages of the Reformed Presbyterian church, and therefore had ceased to be rightfully members of the consistory, and to have the power to control the funds or other property of the church—they therefore asked for a rule to restrain the said John N. M'Leod from occupying the pulpit, or intermeddling with the affairs of the church, and the other defendants from paying him out of the funds of the congregation, and from selling, encumbering, or wasting any of the property belonging thereto. A temporary order to this effect was granted some weeks ago,

and the vice chancellor then directed the defendants to show cause why such an injunction should not issue according to the prayer of the plaintiffs.

The argument of the case occupied several days, and was conducted with great ability and eloquence by Griffin and Graham for the plaintiffs, and Maxwell and King for the defendants.

On the part of the plaintiffs it was contended that the act of incorporation was obtained in an improper manner—that in this, as well as other respects, the defendants had departed from the doctrines and discipline of the Reformed Presbyterian church—that the Chamber street congregation was bound to be a church of that description, and governed by its doctrines and usages—that these alleged departures gave the court full power to go into the enquiry as to the doctrines of the church and of the defendants, in order to ascertain the true state of the case—that the sub-synod which suspended J. N. M'Leod was the regular sub-synod of the Reformed Presbyterian church, and its proceedings had been recognised as such, by the southern presbytery within which the church was situated—and that as J. N. M'Leod had been so suspended in conformity with the discipline and usages of the Reformed Presbyterian church, the injunction must issue.

The defendants alleged that every means was made use of to apprise the members of the consistory and the congregation of the provisions, &c. of the act of incorporation—the procuring of which was absolutely necessary to enable the church to transact its business—that three of the defendants were present, and assented to its procurement—and that it had been in operation for twelve years. That the sub-synod which suspended John N. M'Leod was not the regular one, nor of competent authority to perform that act. That the eastern sub-synod assembled in April, 1832, and J. N. M'Leod acted as clerk—that some parts of the pastoral letter, submitted to this synod, were expunged by the majority, and the original letter afterwards published entire by the minority. That in the following November a number of the members of the sub-synod convened, organised themselves as the eastern sub-synod, and called upon J. N. M'Leod as clerk for the documents, which he refused to surrender, and declined recognising them as the eastern sub-synod upon which they proceeded to suspend him. That the sub-synod had only appellate, not original, jurisdiction in cases of suspension—and that according to the discipline this act must be done by the Presbytery, an inferior meeting, of which the minister is a member. That an appeal to the higher judi-

catures of the church was then in progress, and that the court must wait the issue there before it can decide the question whether defendants have departed from the doctrines, discipline, and usages of the Reformed Presbyterian church.

The following article, from the New York Journal of Commerce, will explain the opinion of the vice chancellor, viz.

IN CHANCERY—MONDAY.

Before the Vice Chancellor.

Andrew Bowdin and others versus Alexander M'Leod and others.

The decision of the vice chancellor in the above case, the outlines of which appeared in our publication of Saturday last, was delivered before a crowded court yesterday (Monday) morning. His honour, after recapitulating the nature and charges of the bill on which the application for an injunction had been founded, proceeded to deliver his decision in substance, as follows:—

Before proceeding to examine the grounds on which the injunction is asked for, it is necessary to state how far this court can take cognisance of the case, and upon what principles, and to what end, its jurisdiction can be invoked. The Reformed Presbyterian church, or congregation of Chambers street, is a corporate body, originally founded and afterwards incorporated by a law of the state for religious and charitable purposes,—the property, or temporalities, being managed by persons constituting the consistory, who are also trustees. Over *them* and the property as a *trust estate* in their hands, this court has jurisdiction. It takes cognisance of the case for the purpose of preventing any abuse of the trusts; of compelling the trustees to discharge their duty fairly with respect to the property;—of removing them from the trust if necessary;—of preserving the property, and appropriating it to the original objects of the institution;—and in short, of seeing that the trusts are faithfully executed. Upon this principle, and to this end, the jurisdiction and power of the court are exerted. It is a common law power inherent in this court. Superadded, are certain powers conferred by statute over corporations and the directors or managers, but which do not extend to any *religious corporation*. 2 R. S. 462 and 466. Sec. 57. Except in connection with the property or temporalities of a religious society, whether *incorporated* or *not*, and upon the principle just stated, this court has no jurisdiction, and cannot interfere. In reference to their spiritual concerns, their church government and discipline, their faith, doctrines, and modes of worship, this court has nothing to do. These are matters which must be left to



law-suit was decided in the master's favour, and he thereby regained possession of a very considerable property.

Mindful of his faithful negro, one of his first acts was to settle an annuity upon him for the remainder of his life, sufficient to secure to the poor fellow the enjoyment of those comforts he had so well deserved.

This little anecdote may afford instruction both to the nominal and professing Christian; let the former enquire, Should I have acted thus, if in a similar situation?

In the dreadful earthquake which made such ravages in the Island of St. Domingo, in the year 1770, a negress of Port-au-Prince found herself alone in the house of her master and mistress, with their youngest child, whom she nursed. The house shook to its foundation. Every one had taken flight; she alone could not escape, without leaving her infant charge in danger.

She flew to the chamber, where it lay in the most profound sleep. At that moment the walls of the house fell in; anxious only for the safety of her foster child, she threw herself over it, and, serving as a sort of arch, saved it from destruction. The child was indeed saved; but the unfortunate negress died soon after, the victim of her fidelity.

During the late war, a gentleman and his lady were going from the East Indies to England. His wife unfortunately died on the passage, and left two infants, the charge of which fell to a negro boy about seventeen years of age.

The gentleman, for some reason which I do not recollect, went on board the commodore's vessel, with which they sailed. There came on a violent storm, and the vessel which the children were on board, was on the point of being lost. They despatched a boat from the commodore's vessel, to save as many as they could; they had almost filled the boat, and there was room enough for the infants, or the negro boy. What did he do? He did not hesitate a moment, but put the children in the boat, and said, "Tell my master that Coffin has done his duty," and that instant he was received into the bosom of the ocean, never more to return.

The queen requested the celebrated poetess, Hannah More, to write an epic poem on it, but she wisely declined it, saying, that no art could embellish so noble a sentiment.

#### *Popery in the United States.*

The population attached to the Romish church in the Valley of the Mississippi, is about 500,000, and they boast of an increase of about 40,000, in that region, last year. Between twenty and thirty Jesuits recently arrived in Baltimore from Europe, to go to the Mississippi Valley. Twelve more are on their way to enter Michigan. Five Jesuits lately arrived at New York from Antwerp, with the same design. But recently five nuns from the convent at Georgetown took their departure for Mobile, with the intention of establishing, in that vicinity, schools for female children and youth. There is in the western states, a band or brotherhood of young Catholic priests, who bind themselves by a vow, to spend three years in teaching youth, before they shall attempt to

enter the ministry: and the members of it are constantly on the alert in the western states. Many of their chapels are known to be built in the Valley of the Mississippi by money sent from Rome. In Pennsylvania, since July, four individuals have been promoted to the priesthood; in Massachusetts one or two. During the past year Catholic churches have been completed or nearly so, in Burlington, Vt., St. Louis, Miss., Washington Co. Kentucky; Clearfield and Newry, Penn., and in the city of New York. On the 30th of September, 100 persons were confirmed in Elizabethtown, Penn. 25 in Clearfield, do., 52 in Huntington, and 16 in Newry, Penn. On the 29th of August, 26 in Hartford, Conn., 22 of whom were converts from Protestantism; 40 in Wilmington, Del., 27 in Burlington, Vt., in July, and 43 in St. Louis. A few years ago, a few poor Catholic Canadians constituted the entire Catholic population of Burlington, Vt.; now it is said to exceed one thousand in number. In a section of Missouri, where six years ago there were but eight Catholics, there are now 550. In the college "Da Propaganda Fidei," at Rome, there are several youth of the American Indian tribes, being educated to return as missionaries among their kindred; and the best scholar in that institution is a native (white) of Kentucky, who will probably return as a missionary to his native state. He possesses fine talents. These are but a few of the facts well authenticated, which I might mention, did my limits, or a regard to your patience permit.—Conn. Observer.

#### *Killing a Rhinoceros.*

A Bengal (India) journal says: "Being on a visit at the quarantine station at Edmonstone Island, I was informed that a rhinoceros had several times made his appearance, close to the residence at Middleton Point, on Sangor Island; I was requested, being a killer, to go over and try my luck. I did so, and made preparation for a regular set to; a stage was erected on a tree close to a tank where my customer was in the habit of drinking every night, and there, in company with the resident at the Point, I took my seat at eight o'clock in the evening, it being then quite dark. My first cheroot had not quite burnt out, when a noise from the jungle in our rear warned us of an approach; from the noise I thought it was an elephant; our anxiety, you may be sure, was intense; however, in a few minutes a very large animal showed his back within thirty yards of us. I saw it, and immediately pointed it out to my companion through the gloom, and we both agreed that it was our friend: his approach was slow, grazing as he came along, until almost immediately under us, and then we fired. He seemed a little astonished, but did not move; the second volley, (for we were well armed, having two double barrels each) disturbed him, he turned sharp round, and made off with a curious snorting noise like an overgrown hog. He had the benefit of eight balls, which were at the distance of fifteen yards, poured upon his impenetrable hide, but he seemed to mind them no more than so many peas. Ten minutes had hardly elapsed before he came again, but not on the same ground; he strolled along rather cautiously towards the tank; we had another beautiful view of him, and fired together, as before, when I am sorry to say, the gun of my friend burst, blowing off two of his fingers on the left hand, and slightly wounding me in the arm. Nothing was now left for us but to go home, and at that time of night, and in such a place, and such an animal in our neighbourhood, it was no joke; my friend took a cutlass, and I took two of the guns; we cautiously descended the tree and made good our retreat.

A month and a half had passed before the hand of my friend had healed, when we determined upon another attack, but in a different manner; the artillery of the station (two six pounders) were placed in his path; and there we agreed to watch his approach; every thing was got in readiness; the moon was favourable, and we took our station at the old look-out tree on the evening of the 6th inst. Our first starting was ominous, a tiger springing almost from under our feet as we were levelling the guns. One was pointed to sweep the corner of the tank, and the other to take him if he came in a different direction. A

long, tedious night passed, and no rhinoceros. The tiger above mentioned prowled about the trees all night, but we could not get a shot at him. Another night passed in like manner, but the third night, at ten o'clock, our old friend once more showed himself. Down I jumped to my post at the gun, but he saw my movements and vanished. Nearly an hour passed before he again made his appearance, but when he did come I got him right before my gun, and as I was raising the match to fire he charged full at me, but he was too late, the fatal spark had done its duty, and the canister met him half way. I lost no time in getting up the tree, for you may be sure the idea of his ugly horn being near me was not at all comfortable; it gave me, however, surprising agility, and I stumbled over my friend, who was coming down to assist me. In the midst of our confusion, a terrible groan proclaimed our victory. The next morning we found he had run near fifty yards, and there fell to rise no more; many of the shot had taken effect—one, (the fatal one) in the left eye, three in the shoulder, one in the flank, passing through his kidney, and one in his hind quarter. His dimensions were twelve feet in length, without the tail, which made two more, seven feet high, and thirteen in circumference; altogether he was a perfect monster. On opening him, one of the leaden balls of our first attack was found in his stomach, and appeared to be mortifying the flesh all round. I had a tough job to skin him, &c.; five of our balls were cut out. The flesh of the animal was greedily devoured by the famished crew of a Burmese boat, who arrived at the Point in distress.

Almost thirty years since, an English gentleman with whom we subsequently became acquainted, Mr. Benjamin Criedland of Leicester, (Eng.) detected and brought to justice a large gang of pickpockets, by unwittingly adopting one of their private signals. The transaction as he narrated it to us was as follows:—Mr. Criedland was attending the crowded annual fair, held in a clover field adjacent to Leicester. He casually noticed that a person in the throng had a sprig of trefoil stuck in the latchet of one of his shoes. In a few minutes his attention was arrested by remarking another similarly situated. His first and natural conclusion was, that the sprigs had been thus caught and retained by rambling among the luxuriant clover of the field: but on looking around he discovered so many who bore the sprig in the shoe, that he at once concluded it meant something more than met the eye, and which he determined, if possible, to discover. Accordingly, he retired a little, mounted a clover sprig, according to pattern in his own shoe; and mingled again with the crowd. In a very few minutes a brother sprig jogged his arm, and, in an under tone, said, "Do you cut or carry?" "I carry," said Criedland, without knowing the meaning of either the question or reply. "Then come along with me," rejoined his interrogator. Criedland complied, and in a few moments his companion snipped off the skirt of a gentleman's coat, with a pocket containing a well-lined pocket-book, and thrust it into his hand. The mystery was now unriddled. Mr. Criedland separated from his new friend as soon as possible; alarmed the police who were in attendance; and in a short time, with their aid, arrested a gang of about twenty pickpockets, who were identified by the sprig—to whom it had served as a signal of recognition and fellowship.—Troy Sentinel.

#### **WANTED.**

At Friends' Boarding School Nine Partners, in the State of New York, two teachers, one male and the other female, as principals in the literary departments. Application by letter or otherwise may be made to John R. Willis, New York, or Benjamin Griffin, superintendent of the school Nine Partners, Dutchess County, New York.