

“Finch versus Batger”—Do Religious Acts Constitute Worship?

JAMES JENKINS in his *Records and Recollections* has much to tell us respecting his “intimate and much respected friend, Henry Finch” (1737-1805), of Kate’s Grove, near Reading. “He was the son of a black-smith and small farmer of Chartham, near Canterbury. He served an apprenticeship to a tin-plate worker in Pudding-lane, London, but he later followed the trade of a draper and salesman in Reading. Almost from his youth upwards he was considered as ‘a vexer of the brethren and troubler of Israel’ by that part of our Society which lorded it over the other orders of what ought to have been our little commonwealth. He once asked me (after the late Dr. Joseph Rickman had poured upon us one of his red-hot effusions), if, in all my life, I had ever heard such *religious scolding*.”

In 1797, with three other Reading Friends, Finch was disowned “for opposing the Rules of Discipline.”

Although deprived of membership Finch frequently attended meetings for worship, but in December, 1803, his presence was noted at a Quarterly Meeting for business at Devonshire House and caused such confusion in the meeting that it was adjourned to the 16th of the next month. On that day Finch endeavoured to enter the building, causing noise and disturbance, but was forcibly prevented entering and detained for several hours while the meeting was held.

Finch evoked the law, claiming that the devotional commencement of the meeting for discipline constituted it a meeting for worship which he had a right to attend.

The trial, as hereafter outlined, caused considerable attention and there is a very full record of the transactions in “the Book of Cases” at Friends House, London.

There is a written statement of the case in **D**, presented by Theodore Compton in 1903, endorsed: “Godfrey Sykes’ statement of the Trial between Henry Finch, plaintiff and John Batger and others defendants,” the manuscript

having been found amongst the papers of George Harrison. This document consists of thirteen folio pages and is to be found in Portfolio 14.74. It is headed as follows :

" In the Court of Exchequer at Guildhall on Saturday the 23rd day of February in the year of our Lord 1805 before Sir Archibald Macdonald Knt Lord Chief Baron of his Majestys Court of Exchequer Between Henry Finch Plt and John Batger Thomas Sturge Thomas Cox Thomas Pace James Chalk and William Christy Dfts "

We take an account of the pleadings, witnesses' evidence, etc., from a letter written by Dr. Joseph Rickman, recently received in **D**, from among papers of the late Walter Sturge of Bristol :

" Extract of a Letter from Joseph Rickman containing an account of the Trial between Henry Finch and the Quakers :

" The agreeable Termination of the interesting and long expected Question between Henry Finch and the Society, which has this morning taken place, has caused such general satisfaction among all classes of Friends, the young, old, rich, poor, plain and gay, and knowing thy acquaintance with the Parties, I do not doubt some little account thereof will be acceptable to thee, and lead thee to excuse my writing on purpose.

" It was heard in the Court of Exchequer, as a court of equity in which Questions of right only are tried : in Guildhall before the Lord Chief Baron Macdonald, whose character on the Bench, and in private Life is of the highest Stamp, and above all is a religious, good man ; he is a very strict supporter of the Establishment and is remarkable not only for religious exercises in his own Family, but, what is but too rare in our great men now a days, is very constant in his attendance of public Worship.

" The Society were defended by Plummer (who generally pleads at the Bar of the House of Commons) and Dauncey. Henry's Counsel were Sergeant Williams and Abbott : it was adjusted in the simple merits of the case, and the equitable decision of the Judge without proceeding to the Jury.

" The Ground taken on Henry's side was simply this, that the Meeting house was re-registered as a place of public

worship therefore open for every body ; that in Meetings for Discipline ministering Friends frequently appeared both in Testimony and sometimes in Supplication, and in both cases with their Hats off, and that the whole of the Subjects discussed there had a religious tendency, therefore were religious meetings or meetings for Worship ; that they, like meetings for worship, are preceded by a pause or silence, that an indifferent person would not distinguish the difference between these pauses, and the silence in meetings for worship ; therefore it is a religious silent worship as much as the other, and with the preaching and prayer constituted them religious meetings, to which Henry Finch had a common right to enter.

“ Very weak ground this ; and when endeavoured to be supported by evidence, the Judge remarked : ‘ You might as well call the House of Commons a religious meeting because prayers are read, before they proceed to business, requesting Providence to adjust their Deliberations, and guide them to the best Judgment.’

“ WILLIAM MARSH of Gracechurch Street was the first Person called for H. Finch—his evidence whether as a Friend to H. Finch, or a member of Society, was very consistent ; his cross examination tended however much more to favour the Society than his evidence had served H. Finch.

“ THOMAS FOSTER was next called on the same side to prove Thomas Shillitoe was preaching at the time H. F. wished to enter. The Judge asked if he thought preaching an act of Worship ; he said that there, perhaps, pervaded a difference of Opinion in the Society on this Subject ; if asked his own, it was that it did not constitute an act of Worship. ‘ Was silence an act of religious Worship ? ’ ‘ It is so considered as supposing the mind to be engaged in religious meditation or mental Prayer.’ ‘ You are quite right,’ said the Judge. ‘ Sir, in our Church we use vocal Prayer, but we consider mental prayer a religious act, and one far more acceptable than the other.’

“ The whole of his Evidence was decidedly against H. Finch, and the cross examination and remarks of the Judge were very satisfactory to a crowded Court.

“ GEORGE HARRISON was then called, and the Judge (being already nearly satisfied in his own mind, that more time

should not be consumed over so weak a Plea) examined him pretty much wholly himself. He asked if T. Shillitoe was preaching. G. H. said: ‘Something in answering the Queries appeared to him a suitable Opportunity to advise friends against expensive furniture and profusion at their Tables that he certainly was preaching, and spoke with his Hat off, that sometimes something (in replying to the Queries, which answers contain the state of the Society) occasions thankfulness or regret; and that hence some Friends were engaged to return thanks or supplicate the Divine Being in those meetings, and that this certainly is a religious act; but neither of these converted a meeting of Business into a meeting of Worship.’ George spoke with great propriety and clearness; some little interruption ensued, the Judge immediately said: ‘I beg Mr. Harrison may not be interrupted, I sit with both pleasure and profit to hear him speak.’ The countenance of all around him bore a similar testimony. Counsel: ‘Do you not consider prayer and preaching both acts of religious Worship?’ G. H.: ‘I would define Prayer an act between Man and his Creator, preaching an act between Man and Man.’ Judge: ‘A clearer distinction I never remember to have heard.’ To H. F.’s Counsel: ‘Brothers, it is childish your pursuing this cause on such puerile distinctions; Grace before meat is or ought to be a religious act of the Mind, it does not therefore make the Assembly a religious Meeting, or a meeting for worship, though an act of worshipping the Deity is there performed.—So this worthy Quaker tells you their private domestic meetings are frequently improved by Exhortation or prayer. They are not the more meetings expressly for public worship, but good Opportunities well improved. These quarterly and monthly meetings have been clearly proved to you Meetings for Church Government, and tho’ money matters are included, and subjects concerning the religious Welfare of the Church and the harmony and good conduct of the body, are there considered, and the general State of the Society estimated, or tho’ that general State or any part of the Detail, may give rise to Exhortation on the part of the Ministers, or even Supplication or thanksgiving which are both clearly acts of Worship, and are it appears among these good People accompanied with all those marks of Solemnity which they use in their

meetings expressly for Worship, and also altho' these Meetings may be preceded, as we are told, by a quarter of an hour of that same silence (religious mental meditation or prayer it is supposed) that those on the Sabbath day are, yet they are not the more meetings for Worship (into which as you hear, and the Law of the Land further says, every man has a right to enter and these People allow every one to come) they are no more than Parish or district Vestries, and you will hardly maintain, that every man has a right to act or sit in a Vestry. Besides you hear there is a regular mode of appeal among this well regulated People, which this person has not used, and every Society naturally professes power to expel those who act contrary to its rules. And Gentlemen of the Jury, I will not trouble you with the further notice of this matter, nor can I suffer a further examination of evidence; I must on my Conscience nonsuit the Plaintiff. Mr. Harrison, I return you my best thanks for what I have learnt from you this Day.' ”

JOSEPH RICKMAN (1749-1810), the writer of the letter, was a native of Lewes, Sussex. In 1772 he married Sarah Neave, of Staines, he being then “ of Maidenhead, Surgeon and Apothecary ” and had a numerous family.

James Jenkins thus describes Joseph Rickman, in his *Records and Recollections* :

“ My old friend Jos^h Rickman (above mentioned) was of a character strange, and eccentric,—When an *authorised* preacher of our Society, he too frequently indulged in severe declamation, and it sometimes approached to personality.—He practised as an Apothecary, and Midwife, during many years at Maidenhead, but, not Attending to that salutary maxim of ‘ *Ne sutor ultra crepidam,* ’ he added to his other business, that of Grocery and Cheesemongery, failed, and being disowned by Friends, his function as a Minister amongst us (of course) ceased. Yet, he *could not* be silent, and was sometimes stopped, whilst at others, he was suffered to go on, to the end of his harangue,—but this sufferance and non-sufferance being disagreeable to him, he entered upon the new career of being an itinerant preacher from the pulpits of the Wesleyan Methodists, and which I have understood were granted to him, with a liberality deserving praise. In one of his visits to the Wesleyan

Churches I met him at Adderbury, in Oxfordshire, and we conversed a little on the subject of his new vocation—I could not approve of his clerical wanderings; he made something like excuse for it ‘that however in the cross, and however strange it might seem, that he should be so *led*’ &c.—but this is the usual cant of such occasions.—The fact was, he had got *an habit* of preaching, and could not be happy without exercising his mental powers in that way.”

THOMAS FOSTER (c. 1759-1834), of Bromley, Middlesex, wrote several controversial and anti-orthodox pamphlets. See *Pen Pictures*.

GEORGE HARRISON (c. 1747-1827), of Wandsworth, Co. Surrey, was a barrister by profession, and a man of very independent judgment. See *Pen Pictures*.

[Knowing this case, and perhaps others similar, when clerk of London and Middlesex Q.M. I read the opening minute *before* the devotional pause.—EDITOR.]

Extracts from the Parish Register of Aldborough near Boroughbridge, Yorkshire

1664. Rachel d. of Richard Blackburne of Aldburgh, Quaker bap:
11 June.
1665. Ellen d. of Richard Robinson of Rocliffe Quaker bapt. 12 November.
1667. Margaret d. of Rich: Robinson of Rocliffe, a quaker bapt. 10 May.
1662. Marie d. Rich: Blackburne, a Quaker of Aldb: bapt. 9 Nov:
Isaac son of Rich: Blackburne of Aldb: a Quaker bap. 9 Nov:
Abigail d. of Rich: Blackburne of Aldb: a Quaker, bap. 9 Nov:
1672. Emmet d. of Rich: Blackburne of Aldb: bap: 5 Mar:
1678. Richard s. of Rich. Blackburne of Aldb: bap: 28 May. (bur, 1678
17 July).
1679. Peter s. of Rich: Blackburne of Aldb: bap. 13 Jan.
1680. Richard Blackburne of Aldb. bur. 16 Dec.
1663. These persons were denounced excommunicate by D^{tor} Burwel's
order Jan: 17. 1663 Rich: Blackburne,
Dorothie his wife.
1644. Richard Blackeburne & Dorothie Neele marr: 29 November.
1675. Richard Blackburne & Dorothy Poole marr. 25 November.

Contributed by Walter J. Kaye, M.A., F.S.A., 15, Gower Street,
W.C.1.