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THE NEW DOCTRINE OF CLERICAL PRIVILEGE.

AN

ADDRESS

DELIVERED IN TREMONT TEMPLE, ON THE 26TH AND 27TH OF
JANUARY, 1852,

BY J. H. FAIRCHILD,

PASTOR OF PAYSON CHURCH, SOUTH BOSTON.


"Let him that readeth understand."

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ADDRESS.

FRIENDS AND FELLOW CITIZENS. An unusual call has brought you together this evening. As I have assumed the responsibility of the call, it is due both to myself and to you that I not merely apologize for the act, but fully vindicate it. Extraordinary occasions make extraordinary events. I have not invited your presence and your thoughts at this hour, from any ambition for notoriety or display. Had I consulted only the strong bent of my habitual inclination, I should have much preferred retirement and silence. It grieves me, that I, a poor man, and the minister of a people far richer in their spiritual than in their earthly treasure, should be placed in circumstances, that seem to require of me a service, which, till you shall have known something more of the case, you may possibly think obtrusive. I have shrunk from tasking your time and patience, and from burdening your ears with the recital of my personal rights or my personal wrongs. But necessity is upon me. Having done all which it was in the power of man to do in order to obtain a simple act of justice, and having failed for the present, by means of the sheerest technicality of the law,—with an oppressive debt thus brought upon me which I am totally unable to liquidate, and yet in honor bound to pay, I feel constrained to appeal to a generous and sympathizing public, that if you judge me oppressed and persecuted, you will do something to relieve and sustain me.

But this is not all. It is not merely that my calling and my worldly substance are concerned, and, with them, the support of a dependent family. *My reputation and my position in the public eye*—these—these are to me of deeper interest—of far richer value than the ordinary blessings of life,—nay, than life itself. For my character then— for my position in the eye of an honorable community, I have assumed a claim on your presence, and now ask for your impartial ear, and your careful consideration of what I am about to offer.

Nor should I do full justice to the claim which I have thus ventured to assert, did I leave it with only the strong ground just

mentioned for its support. For the cause is not wholly mine. It is *yours* as well as mine. Justice to individuals is justice to all. Private rights are never solitary. Wrong to the humblest, is wrong to the highest in the community. The cause which I am now to present, while it is emphatically my own, is really and truly yours. I am therefore encouraged—greatly encouraged when, in speaking for myself, I speak for my *profession*, one and all; I speak for the *common* safety of character; I speak for *humanity*—for *public* justice—that simple justice on whose broad and deep foundations rest the general, and the dearest interests of society.

I appear then before you to night as the defender—perhaps I may say as the representative of a great principle, as important to you as to me;—the principle is this,—*that no man or class of men, singly or collectively, shall utter a known and acknowledged slander against his neighbor, by tongue or pen, and be shielded behind the law of privilege.*

I wish to say at the very outset, that I hold myself responsible to God and man, for the truth of every statement which I am going to make. Not one do I intend to utter, which has not been as fully proved as it is possible to prove any thing on this side that dread tribunal, where deception and mistake are forever unknown. And to show you that I shrink from no responsibility in this matter, I feel compelled to do what, under different circumstances, I should studiously avoid,—and that is, *the frequent mention of names*, so that every one may know not only *what* is meant, but *who*. And while I shall carefully suppress every feeling of vindictiveness, (though I am not aware of having any such feeling;) while I shall *designedly* cast no reproach on any man or class of men,—(unless a truthful statement of facts is to be regarded as reproachful);—while I would not myself indulge or have you indulge an unkind or revengeful thought even towards the man who has been most forward in his demonstrations against me; yet I should be doing great injustice to you as well as to myself, to keep back any thing essential to a correct understanding of the subject matter of my present address. And though I have not time to give, nor if I had, would you have patience to hear a detailed account of the remarkable events connected with my history during the last eight years, yet my statements, brief as they must be, will, I think, forcibly remind you of the saying,—“*Truth is stranger than fiction.*”

I wish, fellow citizens, to state to you here, that in some parts of my eventful history, especially in the commencement of my troubles, I may have acted imprudently, but not wickedly;—in-

judiciously, but not corruptly. And is every clergyman, for certain solitary acts of imprudence or indiscretion, to be pursued and hunted down by his brethren, without mercy or remorse, till they have made him every where, so far as in them lay, an object of suspicion and distrust? And are they never to cease their efforts till his peaceful and unobtrusive labors, among a quiet and united people, are ended?—till *he* is driven from the pulpit, and *they* scattered as sheep having no shepherd? If all clergymen were to be treated thus even for repeated acts of imprudence and indiscretion, the Lord have mercy on the profession. Certain I am that many who are now in it, would soon be out of it,—and many who are now out of it, would never enter it. I do not pretend to claim exemption from the common infirmities of men. But I do claim exemption from those infamous crimes laid to my charge of which I *know* myself to be innocent, and when no valid proof has been or can be adduced to sustain them, and *especially* after an impartial jury has unanimously acquitted me on the distinct merits of the case. This I do claim; and I submit it to your judgment whether it be not a righteous claim. My case to night is not before a committee of three as a board of reference, but before a committee of the whole people. Your award I confidently seek,—and to that award I cheerfully submit.

Now to my narrative.

After closing a ministry of more than eleven years, with reputation in my native state, Connecticut, I came to this city almost a quarter of a century since,—nearly all of which time I have been a preacher of the Gospel in regular standing, according to the usages of that denomination to which I belong.

I was installed over a church in South Boston, in Nov., 1827, and after a ministry there of more than fourteen and a half years, I was dismissed at my own request, on the second day of June, 1842. Mr. Adams was scribe of the dismissing council; and from the recommendation which they gave me, written and signed by himself, I quote the following sentence: “The council would express their entire confidence in the christian and ministerial character of the Rev. Mr. Fairchild. They have long known him and esteemed him as a devoted minister of Christ, whose labors have been much blessed.”

Early in March, 1843, I removed to Exeter, N. H.; and in September following was installed as pastor of the first church in that town. The Rev. Mr. Adams preached the sermon.

In April, 1844, a large number of printed circulars, signed “Epaphroditus,” came into the post office, directed to some of the

most respectable gentlemen in the town, replete with foul aspersions on my character; which circulars had been preceded by several anonymous letters addressed to the universalist clergyman in the village and also to one of the leading members of his congregation. The author or authors doubtless supposing that the universalists would be very glad to learn something against an orthodox clergyman, and very ready to proclaim it to the world. But these letters, they, like honest men, kept concealed from every eye but their own, till the printed circulars arrived; and then, as concealment could no longer be useful to me, but rather injurious, they kindly put the letters into my hands, and which, on reading, I perceived had the same object in view with the circulars—namely, to blast my character and destroy my standing and influence as a minister of the Gospel. These circulars soon led to an examination of the matters charged therein upon me, which examination was made by six gentlemen, three clergymen and three laymen, as a board of reference, Mr. Adams being one of them. Their report is dated May 15th, 1844, and was drawn up by Mr. Adams and signed by them all, in which they say, “We are happy to state that after a severe and thorough scrutiny, nothing has appeared in any part of Mr. Fairchild’s life which prevents our according to him our full confidence as a minister of Christ.”

On Saturday, the 15th of June, just one month after this report was signed, I received a letter from Mr. Adams, notifying me that certain documents furnished by Deacon Drake of South Boston, had been put into his hands accusing me of an infamous crime, and requesting my immediate attention to the accusation. Early on Monday morning I came with my wife to Boston, and in the library of Mr. Adams, met the gentlemen who had so recently examined into the matters contained in the circular signed “Epaphroditus,” and who had so fully exonerated me from all crime or just suspicion of crime. In the presence of those gentlemen Mr. Adams read to me the papers containing the charges; and then proposed the question himself as to my innocence or guilt,—to which I replied without a moment’s hesitation, asserting my innocence in the most unequivocal manner, of every thing of a criminal nature there laid to my charge. I spent the remainder of the day and the following night, with Mr. Adams. Early the next morning, while I was anxiously waiting the arrival of the carriage to take me to the depot, Mr. Adams says that he took me aside, and proposed to me a certain question, which, as he affirms, I declined to answer. My silence so deeply impressed him with a conviction of my guilt, that he has never

since been able to regard me as innocent. And he has repeatedly said, as was testified in the late trial, that, if I had then answered the question to his satisfaction, "he would have stood by me to the death." I beg you, my friends, to notice particularly this statement; for according to his own confession, this is the starting point of all his future attempts to put me out of the ministry, and to keep me out.

I would here mention that I have no distinct recollection of what transpired that morning, having been so excited and distressed by the shocking, though false charges preferred against me, as to drive all sleep from my eyes for three successive nights, being then in an incipient state of derangement, and soon after entirely deprived of my reason, and nearly of my life, as was testified to by my physician, Dr. William Perry. My silence Mr. Adams regarded as conclusive evidence of guilt, though I had answered the same question to him in substance, the morning previous in the presence of witnesses; and one of them, Col. Thomas M. Vinson, testified before the referees, that my denial was as prompt and comprehensive as innocence could conceive, or language express.

These developments led to the assembling of a council at Exeter for my trial, on the 24th day of July, 1844. A committee of three from the Suffolk South Association of which I was then a member, consisting of Rev. Messrs. Samuel H. Riddell, Edward Beecher, and N. Adams, met at the same time and place. They were not members of the council. The Association appointed them to look up evidence *for* and *against* me, and to present it to the Council. But they soon made it manifest that they came to act, the part of accusers, prosecutors, and witnesses, with their minds fully made up against me on *ex parte* testimony. This plainly appears from the fact that not a particle of evidence did they produce in my favor, and that their whole influence was exerted to induce the council to depose me from the ministry, thus departing from the universal maxim both of law and gospel, that every man is presumed to be innocent, till guilt is proved. Indeed, one of the committee—Dr. Beecher—at the very opening of the session, before a single witness had been examined, gave the council distinctly to understand, that if they did not put me down, I should be a mill-stone about their necks. Mr. Adams appeared *especially* anxious to influence the council to such a result. For this purpose he not only appeared as a witness against me, but he reserved his testimony till all the evidence was supposed to be in on both sides. He then came forward as the last witness, and took the oath of God upon his

soul to tell the whole truth and nothing but the truth ; and with an imposing solemnity of manner characteristic of himself, he testified to the impressions made on his mind by my silence, as I just now stated. And when reminded, as he has been, that my silence and strange appearance could be easily accounted for from the fact that in less than eighteen hours afterwards, I was a raving maniac, he would not believe it, but said that it was all pretence, and that “ I was capable of doing, and feigning, and saying any thing.”

The Rev. Mr. Munroe of Bradford, in his review of the doings of the Council at Exeter, referring to the testimony of Mr. Adams, uses the following language : “ If our view of the case be correct, Mr. Adams did more by his impressions, and his manner of stating them, than almost any thing else, to bring the matter to the issue to which it has come.”

This testimony of Mr. Adams was given on Friday evening. The council immediately adjourned till Monday morning at 10 o'clock, then to meet and make up their verdict. They met accordingly ; and with them came two of the committee from the association—Messrs. Riddel and Beecher.—Though they were not members of the council, and their work, as prosecutors and witnesses, was done,—yet there they were, mingling with the council during their recesses and their meals at the public house. What lawful business had those gentlemen *then*, with that council ? Whether or not it was a tampering with the jury, I will leave you to judge.

On the same Monday morning, and at the same hour, a letter was put into my hands from Mr. Adams, dated the Saturday previous, at Marblehead. In that letter, he urged me with much eloquence and pathos, to appear before the council while in secret session, and confess myself guilty of the crimes laid to my charge, which I had solemnly denied before the council and elsewhere from the beginning,—thus acknowledging myself to be not only an impure man, but a liar and a hypocrite. One of his arguments to induce me to make the confession is to me so unaccountably strange, that I will here give it to you in his own words. “ You may thus be a means of good which cannot be measured—an everlasting rock with a lighthouse on it, amidst the surges and storms of the sea. You may save more souls thus than you have done or may do by any other means. But all depends, perhaps, on your acting right before the council adjourns.”

When Mr. Adams wrote this letter he had previously been before the grand jury to testify against me ; and he knew that

the grand jury had indicted me. He knew that, at least two weeks before he wrote it, he had said to Dr. Burgess, when speaking of me—"there goes hell." And yet, believing me to be the very incarnation of hell, he could say and he *did* say in this same letter,—“my dear, *dear* brother,—I feel prepared to do or suffer any thing for you in any event. However you may prove to have acted, right or wrong, the feeling which will ever govern every other will be that of tender sympathy, weeping for your injuries if you prove to be innocent, or weeping at your fall.” Where, fellow citizens,—where, I ask, are those promised tears?

I have omitted one remarkable occurrence which I will here relate. About two weeks before the council met, Mr. Adams and Mr. Riddel called on me at Exeter. Mr. Adams then and there (after requesting my wife to leave the room,) virtually put me under oath to make declaration as to my innocence or guilt. And I did declare my innocence in the most explicit manner, and without any mental reservation whatever, as I had previously done in his library, and also at a time, as he well knew, when I supposed, and when my physician and friends supposed that I was dying. But he stated to the council that the tones of my voice when I made the denial, were so painful to him as only to deepen the impression of my guilt upon his mind.

On Tuesday evening the 30th of July, the council came to a result which closes thus:—“That unless Mr. Fairchild can present a clearer vindication of himself before some tribunal more competent than ourselves to compel the attendance of witnesses and the utterance of all the truth, *and till such act BE done*, he ought not, and so far as our decision goes, does not longer hold the place of a minister in the church of Christ.” The council here admit that I did so far vindicate myself that they could not vote me guilty. They admit too that my vindication might have been complete, were it not for their want of power to compel the attendance of witnesses and the utterance of all the truth. They therefore signified the propriety of my resorting to another tribunal, having the necessary power. Hence it is plain that this vote of the council was merely a vote of *suspension*, and not a vote of *deposition*. And even in this vote of suspension, they were by no means unanimous, six members voting for my acquittal, one of the six being a lawyer of some note, and well acquainted with the nature of testimony—Hon. William P. Haines of Saco. This gentleman assured me on the morning after the evidence was all in—and it was the first time he ever spoke to me,—that if the case had been submitted to an honest jury, they

would, on such testimony as had been presented to the council, acquit me in ten minutes. The council, having come to this provisional result, adjourned without day, leaving it to be understood by me, and all my friends and counsellors, and it *was* so understood, that if I went to the more competent tribunal, as they suggested, and there obtained an acquittal, my suspension from the ministry would cease, and my restoration to office be immediate and complete.

A few days after the council adjourned, an incident occurred which is so expressive, that I must here relate it. The Rev. Mr. Riddel, chairman of the committee sent by the Association to Exeter, wrote a letter to some friend in a distant part of the State, giving an account of the doings of the council—an extract from which letter he permitted to be published in the *New England Puritan*. And when I read it in *such* a paper, the pain which it gave me, no tongue or pen can describe. A part of that extract I will here quote: “The long conflict is over. The triumph of truth and justice is gained. The council at Exeter brought in their verdict yesterday between five and six o’clock to convict Mr. Fairchild of all the charges. The vote stood 19 to 6. The six who did not concur, are not to be understood as voting for his acquittal. The verdict is *virtually unanimous*, and that of the public, I may say, entirely so.” Now, my friends, however strange it may appear, and almost incredible, it is nevertheless literally true, that in less than two weeks after this extract from Mr. Riddel’s letter was published, he called on me—not I on him—at Saco, where I then was spending a few days, and kindly invited me to visit him whenever I came to Boston. I did not then even *suspect* him as the author of that letter. Can you blame me for exclaiming in the language of Job, “My brethren have dealt deceitfully as a brook!”

In September, 1844, about six weeks after my trial by the council, Mr. Ebenezer Hayward, a friend of mine and of Mr. Adams, came to see me at Exeter. This gentleman testified before the referees that he informed Mr. Adams that he was going to Exeter for the purpose of advising me not to come to Boston for trial, but to retire from the ministry on the ground of the strong opposition to me by certain influential persons in Boston, which might lead the jury to a wrong verdict. Mr. Adams objected to his giving me this advice, and said that I ought to stand my trial in Boston. And said he—*mark his words*—“if Mr. Fairchild does stand a trial in Boston and is acquitted, my pulpit shall be opened to him for the first.” Mr. Hayward did come and give me this advice. But I would not listen to him a

moment. I assured him that I was an innocent man, and was determined to cast myself on God and the laws of my country for protection as soon as I could make the necessary preparation. Mr. Hayward says he returned to Boston and stated my determination to Mr. Adams, and that he approved of it, and assured him a second time, that if the jury acquitted me, his pulpit should be opened to me immediately. Was this twice-repeated promise made by Mr. Adams in good faith? or was it deceptive? If in good faith, has it been kept or broken? I certainly did the exact thing, mentioned by him as a condition, on the performance of which his pulpit should be opened to me. But has it been opened? No; he has not only closed his own, but been untiring in his efforts to close other pulpits that were ready to receive me. What then could have been his object in sending this twice-repeated message to me in a manner so kind and brotherly? Would it be uncharitable to say that his object was to allure me into court, because he hoped and believed that I should be convicted by the jury and sent to the prison in Charlestown?

In December, 1844, I gave public notice in this city, and this notice was proclaimed wherever your journals circulate, that I should take the course suggested by the council, and appeal to the civil court in Boston. On the 7th of January, 1845, about three weeks after I gave this notice, the association held a meeting, and voted my expulsion from their body, on the ground, and the *sole* ground, as stated by them, that the council at Exeter had proved me guilty of two infamous crimes, which the character of my audience forbids me to name, but which, of all crimes perpetrated by man, the most fatal, and justly so, to a clergyman. Whereas that council, as I have just shown you, never pretended to have proved me guilty of any specific crime whatever. This vote of expulsion was drawn up by a committee of the association, composed of Mr. Adams and others, my prosecutors before the council at Exeter, and was passed on the recommendation of that committee. Opposition was made to the passing of this vote at the time, not only because it asserted what was not true, but because it was premature and unjust to me, as it would doubtless prejudice the public mind, and thus prevent my having a fair trial by an impartial jury. But a majority voted to expel me. And though it was intimated at the time, by those who urged the passing of the vote, that no publicity should be made of it, and that if I came into court for trial and was acquitted, it could be easily rescinded; yet on the fourth day after this meeting, notwithstanding my approaching trial by a jury, my expulsion was announced in the Daily Mail!

And the ease with which the vote could be rescinded in case of my acquittal appears from the fact that it remains upon their records to this day, they having reaffirmed it by solemn vote, more than four years after my acquittal by the jury!!

About the middle of February, 1845, I came *voluntarily* to this city and *demand*ed a trial by the civil court. Six of the most respectable and wealthy citizens of South Boston, who had been intimately acquainted with me for many years, headed by that well known and highly esteemed citizen—Mr. Cyrus Alger—became security for my appearance in court, on Monday, the 24th day of March. In empanelling the jury, Mr. George W. Bond, an intelligent and much respected merchant of this city, objected to serve, on the ground that he had formed an unfavorable opinion. The objection, however, was waived by my counsel—Judge Warren—and he retained his seat. At 6 o'clock on Saturday evening, the jury returned a verdict of acquittal. After the verdict was rendered, Mr. Bond, who was standing by me, alluded to his objection to serve as a jurymen, and then said, "I was perfectly satisfied of your *legal* innocence before we retired to the jury-room; but having taken notes of the evidence myself, as well as the foreman, we have been going over this evidence item by item, and now I am entirely satisfied of your *moral* innocence."

The provisional result of the council having been thus complied with, I was acquitted by the council as well as by the jury. And I did expect after this triumphant acquittal, that Mr. Adams would come forward with eagerness to take me by the hand, and congratulate me on the result, *especially* after the twice-repeated promise that his pulpit should be open to me, in case of a favorable verdict. Had I supposed it *possible* that he and those of my ministerial brethren who sympathize with him, could have treated me as they have done, and set at defiance as they have done, the decision of the very tribunal to which they urged me to make my appeal,—had I supposed such a thing possible, never,—*never* should I have exposed myself to the hazard of a trial in the civil court,—hazardous, you know, even to the innocent; but I would have retired from the ministry, with the property which I then possessed, instead of spending it all and more than all, as I have done, in vindicating my character from the false and foul aspersions cast upon it. Who, but a fool or a mad-man, would have run such a hazard, and spent his property in such a bootless enterprise?

In August, 1845, fifty-six members withdrew from the Phillips church who had formerly sat under my ministry, and were or-

ganized into a new church, called the Payson church, of which I am now pastor. This church was organized by a very respectable council, and the sermon on the occasion was preached by the late and much lamented William M. Rogers, then of this city. Mr. Adams was a member of this council, and opposed the organization of the church, on the presumption—and so avowed by him at the time—that I was to be its pastor. But the church was organized notwithstanding his opposition, and soon extended to me a unanimous call to settle with them as their minister. The call was accepted; and on the 19th day of November, 1845, an ecclesiastical council assembled to perform the usual services of installation. This council was composed of some of the most venerable, influential, and respected clergymen in New England,—the Rev. Drs. Woods, Burgess, French, and Sheldon all taking part in the services.

At the very opening of the council a document was handed to the moderator, purporting to be a remonstrance signed by fourteen of the pastors in Boston and vicinity, protesting against my installation. This remonstrance was written by Mr. Adams. And it is worthy of remark here, that he says not one word in his remonstrance about that preamble and vote which he had caused to be put upon the records of the association, expelling me from that body because I had been proved guilty, as he says, by the council at Exeter of certain infamous crimes and been deposed therefor from the ministry. If that preamble and vote were true why did he not insert them in his remonstrance? If he had *believed* them to be true, would he not have done so? And after the council had read such a record, would they have taken one single step towards installing a man so polluted and vile over a christian church, as a teacher of morality and religion? If they had installed such a man, they would have deserved, and they would have *received* the execration of the whole community. And if that preamble and vote had been inserted in his remonstrance, do you suppose that fourteen clergymen of Boston and vicinity would have signed it? No; not four would have put their names to such a falsehood. But written as it was, and objecting as it did to my installation on the ground of its inexpediency, he obtained the signatures of those gentlemen, well knowing that when that act was done,—when they had thus committed themselves against me, the pride of self-consistency would not be unlikely to preserve their opposition, however unjust. And it has been preserved to the present hour. To be sure, there is no grace in all this. But poor human nature is quite too familiar with such developments.

And who more set to carry his point, whatever that point may be, than Mr. Adams? If any have doubts of his pertinacity, I feel assured that the sequel will dispel them all.

The council read the remonstrance,—appointed a committee of three to make a respectful reply, and then voted unanimously to proceed to my installation. As the remonstrance not only objected to the installation on the ground of its inexpediency, but assumed the position that I had been deposed from the ministry and never regularly restored, in order to obviate that objection, the council, before proceeding to install me, passed the following resolution submitted by Dr. Woods :

“ *Resolved*, That it is the judgment of this council that on the ground of the evidence exhibited before the court of justice, and the decision of the jury, taken in connection with the result of the ecclesiastical council at Exeter, the Rev. Mr. Fairchild ought of *right to be*, and *is* regarded by us as in good standing as a minister of the gospel, and that if we proceed to install him as pastor of this church, it will be on this principle.”

As it was announced in the papers some days beforehand that my installation would take place on the 19th of November, and that Dr. Woods of Andover would preach the sermon, Mr. Adams felt it to be of great importance to his ends to prevent, if possible, that venerable and justly venerated clergyman, from performing that service. The Rev. Mr. Blagden of the Old South church, a kind-hearted and worthy gentleman, at the request of Mr. Adams and others, visited Dr. Woods, for the purpose of dissuading him from attending my installation, on the ground that his well earned reputation and high standing in the denomination, might thereby suffer harm. But the doctor regarded the path of duty so plain in this matter, that even *such* influence could not divert him from it. He came and performed the service, as he had freely consented to do ; and since my installation he has preached four sermons to my people.

At the time of my installation there were several members of Mr. Adams's church residing in my neighborhood, and who attended on my ministry. They were desirous of removing their relationship from his church to mine. Accordingly in December, 1845, a gentleman and his wife sent a respectful letter to Mr. Adams requesting him to communicate to the church their desire to be dismissed from them and recommended to the Payson church. After some difficulty and delay, a majority voted to grant the petition. Mr. Adams, well knowing where his opinion was law, and therefore in no danger of losing his cure, then stated to the meeting, that sooner than sign a letter of recom-

mendation to my church, he would resign his office. This declaration led to a reconsideration of the vote, and the request was ultimately refused.

Immediately after this refusal, my church, by a committee, made a public and full reply to the remonstrance of Mr. Adams against my installation, in which they clearly show that the Payson church was regularly constituted, and their pastor regularly installed over them. They beg that they may not be disowned as a sister-church by the refusal of other churches to recommend their members to them. Let me here quote one or two short sentences from that reply. "It is our desire," say they, "and it shall be our endeavor to live in peace with all our sister churches, and with all our fellow-citizens. We shall never obtrude ourselves upon them in any way. We never have, and we never shall become aggressors. We are united and happy with our minister. We believe him to be an innocent and much injured man. We do not *know* that he is not guilty of the crimes charged upon him. Neither do we *know* that the signers of that remonstrance are not guilty of similar crimes. But we do not believe that either he or they are thus guilty. But we *do* know that our pastor has not been *proved* guilty; and therefore we feel bound to regard him as innocent. And we do so regard him. If we must err at all, we prefer to err on the side of charity. We beg therefore that we may be permitted to sit quietly under his ministry, without forfeiting our privileges as a sister church. We want peace. To our own Master we stand or fall."

Thus wrote my church about the middle of January, 1846. And we hoped that thenceforth we should meet with no more annoyance from Mr. Adams, but that he would, in future, recommend his members to us, as the covenant and rules of his church require him to do, and as every member, in good standing, has a right to demand. But in this just expectation, we were sadly disappointed. For in three weeks after this—that is, on the 6th of February, 1846, another gentleman and his wife made a similar request; and instead of voting an immediate denial, the matter was deferred till early in March; and when the subject was brought up in the March-meeting, action thereon was deferred for six months, for the reason assigned by Mr. Adams, that some new developments would be made before that time, with regard to my character, which would render the granting of letters to the Payson church unnecessary, because they would be uncalled for. Soon after this vote of postponement was passed, Mr. Adams called on the wife,—a Mrs. Jordan—and had some conversation with her on the subject of her

proposed connection with the Payson church. She testified before the referees that in this interview, Mr. Adams represented to her that my moral character was the worst that he ever knew—that he could not grant a letter to a church under a man of such a character, and that his impression was that in six months something would come out against me worse than any thing yet, and she would heartily thank him for refusing a letter. He told her that when this matter did come out, my church would dwindle away, and would not be known as a church.

Within a few days after this interview between Mr. Adams and Mrs. Jordan, she related to me the conversation which had passed between them. I saw at once that his determination was to banish me from the pulpit and break up my church. I could not account for such conduct. As churches recommend their members to churches, and not to pastors, and as he had expelled me from the association and remonstrated against my installation, I did not see how *he* could be responsible for my delinquencies, even if I were as bad as he supposed me to be. I did not see what more he had to do with my morals than with the morals of any other clergyman of any other denomination in the land. But now I deemed it a christian duty to reply to his Marblehead letter, in which he urged me, as I just now stated, to go before the council and confess myself a liar and a hypocrite. I thought that he had now furnished me with a key by which I could unlock the meaning of that hitherto inexplicable letter. Accordingly I wrote him a long letter dated March 10th, 1846, commenting on what I supposed to be the meaning of his Marblehead letter as explained by the light which his subsequent conduct had cast upon it. In that letter I reviewed his conduct towards me, and endeavored to admonish him with all the kindness of a brother, and entreated him not to pursue me any further, but henceforward to let me and my church alone. Probably many of you have read that letter; for it has been published. But you will permit me here to quote one or two brief paragraphs near the close. I there say to him, “I am willing to leave you and your motives, in the part you have taken against me, to the Judge of all men. But I am not willing that you should further seek to injure me and my church, either in public or private. Cease from such efforts, and give the regular letters to your members who may wish to join us, and use your influence to rescind the vote of your association, and you will hear nothing further from me on the subject, either through the public press, or by private letters. My end and aim is peace. And if there be a failure, I do not intend that either you or the public

shall lay the blame to me. By my acquittal and my subsequent installation, I claim all the rights and privileges of a citizen and a minister of the gospel. You have a right,—which I am willing you should exercise—to exclude me from your pulpit. Be satisfied with that right. To claim any thing more is a kind of clerical dictation and authority to which, I am quite sure, *the people* will never submit. And to attempt any thing more is not only to violate an important principle of law and gospel, but to break up the harmony of the churches, which you profess so much to dread.”

To this letter Mr. Adams replied under date of April 10th, 1846, just one month after mine was written. That you may see the spirit and temper manifested in his reply, I will quote one single sentence: he says—“Courts of justice may say of you, ‘not guilty,’—ministers may fellowship you,—councils may install you,—churches may dismiss members to your care; but you know me well enough to know that I will never publicly treat you otherwise than as my conscience dictates.”

Now, fellow citizens, he wrote this after he well knew that a document, signed by forty-six respectable clergymen of his own denomination, had been published to the world, in which they say “that in our view, on the ground of the result of the council at Exeter, and the verdict of the jury, the Rev. Mr. Fairchild *is*, and of *right ought to be* reinstated in his ministry, and restored to the fellowship and communion of the churches.” I say, this certificate, as was well known to Mr. Adams when he wrote the sentence quoted above, was signed by forty-six respectable clergymen; and if a doctorate adds any thing to a clergyman’s respectability, eleven of them can claim that honor. But it would seem that Mr. Adams is so much more conscientious than those forty-six of his brethren, that he is determined to treat me as a vile intruder into the sacred office, and as having no rightful claim to a standing in the christian ministry.

As Mr. Adams had stated to Mrs. Jordan, and substantially the same thing a few evenings previous in his church-meeting, that certain new disclosures would soon come out against me, worse than any others; and believing, as I did, that he would not wish to be deemed a false prophet, I had, as was not unnatural, some disposition to know what those new developments might be. But I heard nothing till early in September. I then learnt that Mr. Adams, in the month of June, had been writing letters to an elderly lady residing in Pittston, Maine, to ascertain what she knew against my moral character,—a lady who had some acquaintance with me while I was a student in Yale col-

lege—some thirty-three years previous to the date of his letter of inquiry, but who, as she says, informed Mr. Adams, that she had never seen me since. She testifies that during the summer of 1846 she received from Mr. Adams a note, inquiring, what she knew about my character,—that, in reply, she informed him that she knew me when I was a young man, but knew nothing against me. She says that Mr. Adams wrote a second time to her, stating that he thought she did know something against my character, and that it was a duty which she owed to Christ to make it known, and that if she would disclose what she knew he would keep her name a secret, and that it should do her no harm. She says that she replied again, reaffirming what she had said in her first letter, that she knew nothing against my moral character. This it seems was the new development which Mr. Adams had assured his church, and Mrs. Jordan, and Dr. Burgess, was soon coming out, and represented by him as so much worse than any thing which had come out before, that it must prove fatal to me and my church. And after his attempt to get something against me from that old lady, had proved an abortion, as was testified to by his friend, the Rev. A. W. McClure, of Malden—even after this I say, Mr. Adams never informed his church, or Dr. Burgess, or Mrs. Jordan that the information from Pittston was not what he expected, or that he found nothing there to my injury. Yes, after the assurance and reassurance from this lady, he maintained a profound silence on the subject in reference to all the persons to whom he had given intimations, not to say *assurances* of the awful disclosures which were so soon coming from the east.

Now, fellow citizens, suppose Mr. Adams had obtained the disclosures which he so urgently sought, and so ardently desired. Could he as an honest man, have made any use of them, after his promise to keep her name a secret? Of what possible use could her testimony be, without her name? Will it be said that he wanted information from this lady, to satisfy himself? Why, *he* was already satisfied. Nothing from her was needed to confirm his conviction of my infamy and guilt. What then was the object of this promise of secrecy? I would not be uncharitable. But does not even charity itself, force the conviction on every candid mind that, as he had made the declaration in public and in private, that some disclosures were coming from Pittston, which would make every body who knew them, believe as he did that I was as vile as the infamous Aaron Burr; did he not renew his application to this lady with the promise of secrecy that he might thus draw out something from her, which would

make good his declarations, and save what is, to many minds, the severest mortification—that of retracing a false step.

Mr. Adams, still restless and still relentless under his signal failure at Pittston, soon betakes himself to another refuge. His church having at last met to act on the application of Mr. and Mrs. Jordan to be recommended to my church, he informs the brethren of a letter which had just come into his hands from another source and from a different direction. This letter he doubtless thought would serve his purpose better than any information which he had so vainly expected from Pittston. And verily if it had been true, it would have accomplished my utter ruin. But in the end it proved as false and abortive as did the effort at Pittston. Two members of Mr. Adams's church testified in the late trial, that at the meeting of October 16th for the dismissal of Mr. and Mrs. Jordan, Mr. Adams spoke of a communication which had been conveyed to him by letter, and which, when published, would place my guilt in such a light that others would believe as well as he that I was the wickedest man that walked the streets of Boston, but that *he—remember these words—* that *he* should not be instrumental in its publication. He added, that he would sooner resign his pastoral office than sign a letter of recommendation to my church. After such a statement from their pastor, it could not reasonably have been expected that a letter would be granted, and none was granted.

It appeared in evidence before the referees that the letter above referred to was written by the Rev. Mr. Patten, of Hartford, who was my immediate successor as pastor of the Philip's Church in South Boston, having imbibed before he left, all those hostile feelings towards me, which were indulged by some of the leading members of his church and parish, and having been, at the same time, especially intimate with Mr. Adams. Mr. Patten addressed the letter to Deacon Drake, asserting in substance that Dr. George Hayward, my family physician, had said to a fellow passenger on board of one of the steam ships in crossing the Atlantic from Liverpool to Boston, that he once cured me of a disreputable disease, the particulars of which are of too gross a nature to be repeated before this audience. In that letter Mr. Patten says to the deacon "please show this to the Rev. Nehemiah Adams, as it will save me the trouble of writing to him. We must not despair. God will yet bring out the truth about Mr. Fairchild, and his almost unparalleled guilt will be exposed."

The deacon, instead of going, like a good man in search of truth, directly to Dr. Hayward to ascertain whether he had

authorized any such statements as that letter contained, went immediately to Mr. Adams with it; and within two days after, Mr. Adams made use of its contents in his church meeting as I have already related; neither did *he* previously call on the doctor to ascertain whether it were true or false, which he might have done in fifteen minutes.

Please bear it in mind that this church meeting was on the 16th of October, 1846. On the 19th of November following, just one year after my installation, Deacon Drake wrote to the Rev. Dr. Sheldon, of Easton, giving him a long extract from Mr. Patten's letter. This letter of the deacon's I have in my possession, in which he says:—

“When I received the letter from Mr. Patten, I put it into the hands of a gentleman in this city, whose word will not be questioned, and did not see it again until measures had been taken to ascertain both from Dr. Patten and Dr. Hayward, that the facts justified all that was said in the letter.” The gentleman into whose hands he here says, he put Mr. Patten's letter, was Mr. Adams. This the deacon acknowledged on the stand in the late trial. He thus represents to Mr. Sheldon that Dr. Hayward had assured Mr. Adams that the statements contained in Mr. Patten's letter were all true. After declaring me to be an impure, corrupt, and dishonest man, the deacon closes his letter thus:—

“I have written you for two reasons. 1st, to justify myself from the charge of slander, which Mr. Fairchild has preferred against me; and 2d, that if you choose to sustain Mr. Fairchild, you may not do it ignorantly.”

Six days after this church meeting, in which Mr. Adams had spoken of the awful disclosures made on shipboard, and denounced me as the wickedest man in Boston, being informed of this strange occurrence by some who were present at the meeting, I wrote him a letter, stating that I considered his attack on me in his church meeting as wholly unjustifiable, and grossly slanderous, and requested him to take back what he had said in the same public manner in which he had uttered it, and to dismiss his members to my church in the usual form, assuring him that if he would do so and henceforth treat me and my church with christian kindness and courtesy, all past difficulties between us might be considered as settled. I also intimated to him that the contents of his letters to Pittston were known to me, and that if he persisted in his course, it might be necessary for me to publish them to the world. This letter, as he was familiar with my handwriting, he refused to open, but addressed a note to Mr. Fairchild, (omitting my title) in which he says that my letter

remains unopened, and will so remain until I send him a brief note, informing him of the purport of it. He closes his letter thus :—“ I will only add that recent developments within my knowledge, have rendered any further discussion of your case by you, in the highest degree superfluous.” These developments, it seems, were the awful disclosures contained in Mr. Patten’s letter. I then sent a messenger to him with an open note, requesting him to return my letter. But he refused to return it.

On the 15th of February, 1847, there came out a small pamphlet, signed by Deacon Drake, called the “ Medical Fact in Mr. Fairchild’s case,” which contained an extract from Mr. Patten’s letter, but suppressing the physician’s name and even his initials, thus putting it completely out of the doctor’s power to reply to it, and show up its falsehood. Dr. Hayward testifies that about the first of January, 1847, (six weeks before the Medical Fact was published,) Mr. Adams brought him an extract from Mr Patten’s letter, and asked him whether it contained a true statement. He told him it did not. He says that he took the letter which Mr. Adams showed him, and looked it over, and as he did so, taking his pencil, he erased and struck out in various places, remarking, as he did so, that this is not correct, nor this, and so on, till he had made what alterations he deemed necessary. And yet when Deacon Drake’s pamphlet was published, it contained this very extract from Mr. Patten’s letter, without any regard to the doctor’s corrections, and some of the very same parts were published as *true*, which the doctor had erased with his pencil, and which he had declared to Mr. Adams were *false* !

To show you what connection Mr. Adams had with the publication of the Medical Fact, I will here quote from Mr. Clifford’s notes, the testimony of the Rev. Mr. McClure, the confidential friend and coadjutor of Mr. Adams. Mr. McClure testifies as follows :—“ I prepared for publication the pamphlet called the Medical Fact. In the course of its preparation I had frequent conversations with Dr. Adams. He made suggestions, examined the manuscript and eliminated passages. I accepted all of his suggestions except one. The question of bringing it before the public in some form or other, had been discussed between Dr. Adams and myself, before I was applied to to prepare the pamphlet. My mind was influenced in part to prepare it, by these conversations.

“ I have heard Dr. Adams say he had received a letter through the Post Office, directing him to apply to a person in Pittston, and I think he showed me the letters he had received from there.

His effort in that direction proved an abortion. The principal object of the pamphlet as understood by Dr. Adams and myself was to bring on a prosecution against the publisher, by Mr. Fairchild, in which the testimony of Dr. Hayward could be taken, and all the facts come out. It was a distinct challenge to Mr. Fairchild to prosecute ; and I was surprised it did not have that effect.

“ In the preparation of the pamphlet Dr. Adams advised the cancelling of certain passages which had reference to the corroborative testimony of other witnesses, as their testimony, he thought, would come with more effect in the expected prosecution. Dr. Adams and I did not expect that *we* should be prosecuted ; but that Mr. Drake or the publisher would be.”

Such, fellow citizens, is the testimony of Mr. McClure, the confidential friend of Mr. Adams, and his co-worker in concocting that vile and scandalous pamphlet. And whatever may be thought of the testimony, we must admire his honesty in owning up, like a man who felt the solemnity of an oath. He did not equivocate as did some of the reverend witnesses, to the no small mortification of their very best friends ; nor did his memory prove quite so treacherous as theirs. He did not say, as Mr. Alvord, the scribe of the Association, had previously said before another civil tribunal, that he could not testify without exposing himself to a criminal prosecution, or that he had no *absolute* knowledge on the subject. No, no ! however painful the operation was, Mr. McClure went through with it as one who, *when under oath*, feared God. And what a pity it is that he did not have the fear of God before his eyes while preparing that false and odious pamphlet.

Dr. Hayward's deposition was taken *ostensibly* at the instance of Deacon Drake, in April, 1847. In March, 1847, fifty-six of my parishioners had signed and published a reply to the Medical Fact, having previously obtained from Dr. Hayward a written statement of the facts in the case, a portion of which statement they incorporated in the reply, and which entirely exonerated me from all crime. But it would seem that Mr Adams and his associates fancied that the doctor would not dare to say under oath, what he had freely written to me over his own signature ; and as they had failed in their attempt to provoke me into a law-suit, they concluded that it was best to obtain the doctor's testimony in some other way ; and they did obtain it to their own confusion. For all that he had written, he confirmed under oath. This transaction reminds one of a passage in Job—“ He taketh the wise in their own craftiness ; and the counsel of the froward is carried headlong.”

At the close of Dr. Hayward's deposition, is appended a letter which was doubtless prepared, as was the pamphlet, by the joint labors of Mr. Adams and Mr. McClure, though signed by Deacon Drake. This letter the deacon sent to Dr. Hayward in company with his Medical Fact pamphlet. From that letter I will here quote the closing sentence, which admonishes the doctor not to deny the false version of his conversation contained in the pamphlet. It reads thus:—"If the statements made by you should hereafter be denied by Mr Fairchild's friends, it is not expected that *you* will publicly confirm them; but assurance has been given that other gentlemen who have a knowledge of the facts from yourself will do so, if circumstances should render it necessary." Now, what a plain intimation is this that if the doctor should deny, under oath, the statements made in the pamphlet, the deacon would adduce evidence to prove him a liar! But after this threat, the doctor did testify, confirming what he had previously said in his written statement, and exonerating me from every thing implicating my moral character.

Fellow-citizens! just look at the getting up of this Medical Fact. Here are two clergymen, teachers of that religion which proclaims peace on earth and good will to men; clergymen, often enjoining it upon their people, not to "bear false witness against their neighbor," but to cultivate that charity which *thinketh* no evil, and which "rejoiceth, not in iniquity, but rejoiceth in the truth,"—here I say, are two clergymen, the teachers of a religion *emphatically* a religion of love, engaged in preparing for publication, to be spread before the whole community, a pamphlet as filthy and scurrilous as ever issued from a New England press, to be read by fathers and mothers—by their sons and their daughters, to pollute their minds and to corrupt their taste,—a publication designed to cast an indelible stigma on my reputation as a minister of the Gospel, in as good standing, ecclesiastically and civilly, as themselves, with a wife, and children, and parishioners, and friends, whose hearts as well as my own, as they must have been aware, would be filled with anguish at the foul aspersion thus cast upon me; and doing all this at the very time when Mr. Adams had ascertained from Dr. Hayward that the statement which he was about to publish was untrue, thus impeaching his own witness, and yet giving the reader distinctly to understand that the doctor was worthy of credit and had confirmed it all, while he himself utterly repudiates the doctor's testimony, though he calls him in the pamphlet itself, the only competent witness in the case; and doing this too, after Mr. Adams had solemnly assured his church that *he* should not be

instrumental in its publication! If any one had told me eight years ago that these two clergymen, with whom I had been on terms of friendship, could have been engaged in such an infamous transaction, I should have pronounced it an utter impossibility. Surely it is not always extravagant to say that "men of low degree are vanity; and men of high degree are a lie."

You will excuse me here for making a single quotation from Mr. Clifford's argument. In commenting on the preceding facts, he says, "What a specimen of hightoned christian morality does this transaction exhibit! Will the reverend defendant undertake to justify it? Will he say that it was just and right towards Mr. Fairchild, even supposing him to be the guiltiest man in the world? Was it in the spirit of their gentle master that these two clerical gentlemen took 'sweet counsel together' to draw the plaintiff into a trap? Why, Mr. chairman, if any two of *our* profession were detected in such a scheme, it would as effectually consign them to Coventry, as if they had committed forgery or picked a pocket." And yet, fellow-citizens,—("tell it not in Gath,") this very same Mr. Adams—the principal—the leader of this knot of conspirators against my reputation—my all,—*is one of the Prudential Committee of the American Board of Commissioners for Foreign Missions, to send the Gospel of good will to a benighted world!!*

I have incidentally spoken of the course pursued by Deacon Drake for my injury. It became necessary to speak of him, the fit accomplice of Mr. Adams. That you may see this matter more clearly and fully, I must state here one circumstance which occurred before the council at Exeter. My defence there was in part, a conspiracy formed against me by the deacons and others at South Boston. This defence was anticipated by the deacons. They therefore sent a remonstrance to the council by their Pastor, Mr Patten, protesting against their hearing any charges or imputations which I might prefer against them in their absence. One reason assigned in their remonstrance was, that "they did not consider themselves connected with the charges brought against me." And yet it appeared in evidence before the court which tried me, in March, 1845, that my accuser said to Mr. Robbins, then the keeper of a public house in Taunton, but now of the Adams House in this city, and with whom she was living at that time, it appeared, I say, from the testimony of Mr. Robbins before the court, that the only reason assigned to him for accusing me was, that she was to have "as much agin money," and that "it was secured to her by the deacons at South Boston, *provided she secured the conviction of Mr. Fair-*

child." It has since come to light that an obligation, a copy of which I have in my possession, acknowledged by Deacon Vinton, one of the signers, to be a true copy of the original—it is in evidence I say, that an obligation was signed by the deacons and others, agreeing to pay the sum of fifty dollars annually for ten years, the first payment to be made in October, 1844. Of course three instalments are yet to be paid, as this agreement will be in full force till October, 1854. This obligation was to be binding on them, unless an equal amount could be obtained from the person to be accused. In that case the obligation was to be void. Thus it would seem that whether I was convicted or not, she made her payment sure. True, my name is not mentioned in the obligation; but it is susceptible of the fullest proof that they had previously ascertained that I was the person to be accused. And let it be remembered that this obligation is dated June 7th, 1844—*mark the date*—June 7, 1844. *Consequently it had been signed six weeks before the deacons sent their remonstrance to the council at Exeter, in which they said that they did not consider themselves connected with the charges brought against me.*"*

Early in the year 1849, Rev. John W. Alvord, pastor of the Phillips church, South Boston, was chosen scribe of the Suffolk South Association. The book of records of course fell into his hands. Having heard, by report, that there was a vote upon those records, expelling me from the association, I felt it to be my duty to ask for a copy. As Mr. Alvord was scribe, I called on him early in April, 1849, and requested him, if there was any such vote, to furnish me with a copy; but my request was not granted. In that interview Mr. Alvord said to me that clergymen did not consider themselves bound by the verdicts of juries and the decisions of civil courts; but that they were governed by conscience. He also said that he did not think the association would take back any thing which they had said and done, because they were too dignified a body to do so. As he was a new member, and had had nothing to do with the passing of any vote against me, I advised him, as a friend, to take no part in the matter. He replied that he did not intend to act in the case at all.

* The following is a true copy of the obligation. "Boston, June 7th, 1844. We, whose names are hereunto subscribed, do covenant and agree to pay annually in the month of October, the first payment to be made next October, for the term of ten years from the date hereof to ——— in trust for the maintenance of a child born in September, 1842, of Miss Rhoda Davidson, formerly of Newcastle, Maine, the sums set against our names respectively; provided, nevertheless, that when the sum of five hundred dollars shall have been paid, that the payments shall cease, and provided also, that if the father of said child shall be ascertained, and an equal amount obtained from him, that this obligation shall be void."

The association met the first Tuesday in May, 1849. My request for a copy of any preamble and vote which they might have upon their records respecting me was presented. They directed their scribe to furnish me with a copy, which I received the next day. I read the document with equal surprise and grief, because I now came, for the first time, to a knowledge of the fact that the record contained such atrocious charges. The preamble asserted that the council at Exeter had proved me guilty of two infamous crimes and deposed me therefor from the ministry. And on this ground—the ground of proven guilt—the association had expelled me. I knew, and the *association* knew that this was an entire fabrication—the council having neither proved me guilty, nor deposed me. I immediately addressed a circular to every member of the association, requesting them, at their next meeting, to rescind that preamble and vote, for the reason that it was false and libellous. I will here quote a single paragraph from that circular. “I shall not cease to claim this as a right due from man to man—from christian to christian—from minister to minister. I claim it in the name of him whose servants we are, and in whose mercy we hope. I claim its rescision as having no more legal or moral right to remain on your records, than would a similar vote respecting any member of the association. As just men and as christians, I confide in you that you will do what is so plainly reasonable and proper, and what every one of you would insist on having done, were my case your own. I am not now asking of you a *favor*, but a *right*.”

The association met July 10th, 1849, to act on my circular. I requested permission to be present to hear and answer for myself. I was admitted into their presence to *speak*, but not to *hear*. I entreated them to let me hear what they had to say against rescinding the vote, that I might reply. But they were as silent as the house of death. I remonstrated against their accusing, and judging, and punishing me, behind my back, without letting me know why they put that vote upon their records, and their reasons, if they had any, for retaining it there. They, however, heeded not my remonstrance. Is this justice? Is this religion? I appeal to you, fellow-citizens, whether such rank injustice,—such gross inhumanity has any precedent in the civil or ecclesiastical history of New England. But I recall to mind that, strange as this proceeding was, it is not altogether unprecedented; for it is divinely written that even the pagan Festus was compelled to rebuke the chief priests and elders at Jerusalem, informing them, “It is not the manner of the Ro-

mans to deliver any man to die, before that he who is accused, have the accusers face to face, and have license to answer for himself, concerning the crime laid against him." And so I withdrew from the meeting, having previously assured them that I did not wish to have my connection with them renewed, but to have that false vote rescinded, that I might be dismissed to join the Woburn association, as that association had requested them, by a unanimous vote, to correct their record, and restore me to my just rights as a clergyman. Before I left the room, I desired Dr. Beecher to read to the association a letter which he had recently received from his friend, the Rev. George Allen, of Worcester, a copy of which had just been put into my hands: which letter, I was told, was read by Dr. Beecher as I requested. But it had no more effect upon the majority than did my circular and my remonstrance. You must permit me to quote a sentence or two from that letter. "That the record of the association *was* and still *is* a libel," says Mr. Allen, "I have no doubt; and if such is its character, then should the association erase it, and hasten to undo, so far as they may, so plain a wrong." Mr. Allen presumes that clergymen *would* not, if they *could*, take advantage of any technicality of the law to screen them from the just consequences of their wrong doing. He therefore adds, "Nor will I suppose that there is any disposition to plead the statute of limitations in such matters." But alas, how sadly was he mistaken! The statute of limitations was the very plea set up, in order to ward off the consequences of that false and libellous record. And the referees admitted the plea as valid!

You must indulge me with one more paragraph from Mr. Allen's letter. "No council or court would have dared, on any evidence, to condemn Mr. Fairchild without a citation to appear before it, and confront his accusers. But the record of the association condemns and inflicts punishment without the semblance of a trial by themselves, and against the verdict of a jury, pre-empted by a result of council. Such tyranny would be a reproach any where; but more than any where else on the spot best known on all the face of the earth for its early, strenuous, and successful defence of civil and religious liberty."

An extract of a letter written by the late Rev. Dr. Cogswell of Gilmanton, N. H., was read to the association at the same meeting, in which he says, "that in consequence of my acquittal by the jury and my subsequent installation by the council, the vote of expulsion by the association ought to have been rescinded immediately. Not to do so, is rebellion against government, and a disregard of all laws and usages both civil and ecclesiastical."

But notwithstanding this honest and candid statement of Dr. Cogswell, and the eloquent and truthful appeal of Mr. Allen, and a similar appeal from Dr. Burgess and the Rev. Louis Dwight, a majority voted not to rescind; and no one, except Mr. Adams, manifested greater anxiety to keep that vote unrescinded, than did Mr. Alvord; and he too, who gave assurance of his neutrality in this concern, was the only new member who voted on the question.

And in order to remove all possibility of the rescision of that vote, Mr. Adams brought forward a roll of papers which he said contained Dr. Hayward's deposition. And notwithstanding what the doctor had said to him about the false statement contained in Mr. Patten's letter which was published in the *Medical Fact*—notwithstanding what the doctor had written to me over his own signature—notwithstanding what he had subsequently reaffirmed on oath—notwithstanding all this I say, Mr. Adams now proposes to revive that stale slander in the presence of the association, to prevent them from making their records conform to the truth; for, admitting that I had had all the evil diseases ever visited upon erring man, would that have justified them in not expunging a falsehood and libel from their records?

I will here give you the testimony of the Rev. Louis Dwight before the referees, he being a member of the association, and present at the above-named meeting. Mr. Dwight says: "I took a very earnest course to have the vote rescinded, upon the ground that it was not true, and was very unjust to Mr. Fairchild. Dr. Adams took an equally earnest course to keep it on the book. At the meeting of the association in July, 1849, Mr. Adams referred to a roll on the table in a very significant manner, as containing something in relation to Mr. Fairchild's having had a disreputable disease. It was referred to in such a way as to stagger me. I had no knowledge of any such story. Dr. Adams referred to the document as containing indubitable proof of Mr. Fairchild's guilt. This was in conversation with me. He was sitting next to me at the meeting. I said to him, if that contains testimony from Dr. Hayward in proof of Mr. Fairchild's guilt in that matter, it is inconsistent with what Dr. Hayward has told me in private."

Well, after this conversation with Mr. Dwight, Mr. Adams opens the roll, and reads detached parts of it, and makes comments thereon, for the express purpose of fastening a conviction of my guilt on the minds of those present, that he might prevent the members from correcting their false record. And this he did, while in that very document from which he was reading, it appears that Dr. Hayward was asked "whether he ever saw,

heard, or knew any thing which would lead him to think Mr. Fairchild other than a pure minded man, except the remarks made to him by others speaking against him." The doctor answered, "*No, I never did.*" And there were several other questions and answers equally emphatic with this. Who not bent on the ruin of another, could have so grossly perverted the known import of such a document?

But at the close of his speech, a majority voted not to rescind. And the next day the scribe notified me accordingly.

I had now done all that I could do under our ecclesiastical system of government, to regain my rights, which had been so unjustly wrested from me. I therefore felt that I must either submit to have that false vote remain on record unrescinded, and the vile slander of having had an infamous disease uncontradicted and not disproved, or I must seek redress in the civil court. But I determined not to take such a step, till I had consulted the wisest, and the best of legal counsel. Accordingly I sought an interview with Mr. Webster at his country seat in Marshfield, about the 20th of July, 1849, ten days after the association voted not to rescind. I stated my case to him fairly, though briefly, and then asked him whether I could hope for redress in the civil court? He replied that my case was a very plain one,—that the association had uttered a libel against me,—that all, who originally voted to put it on record, or had since voted to keep it there, were responsible to the law for the act, and that the law would sustain me in commencing a prosecution against them *collectively*, or *individually*. He said expressly, that the cause of action was not barred by the statute of limitations, and that it was not a matter of privilege—that they had no more right to pass such a vote than twelve men in a bar room would have to do a similar act, and were just as responsible to the law for it. He further said that the laws of Massachusetts did not recognize any such body of men as a clerical association.

A few days after this—that is, July 26, 1849, I had an interview with Mr. Choate. I stated my case to him as I had stated it to Mr. Webster, and also Mr. Webster's advice. Mr. Choate expressed the same opinion, and gave the same advice. He strongly expressed his sympathy for me, and gave his unqualified assent not only to the justice of my cause, but to my legal right and plain duty to maintain it. But it is due to him to say that if Mr. Adams should apply to him for his services, he notified me that he should probably feel himself obliged to take the case for him, on the ground that he was his minister; but he assured me that he should appear against me with great reluctance, and

that nothing but the urgent request of Mr. Adams or his friends could induce him to do so. He said that he should positively decline taking the case for any other member of the association.

I then consulted Mr. Curtis, since appointed judge on the bench of the Supreme Court of the United States, than whom, by common consent, an abler jurist did not grace the learned bar of Suffolk. The opinion of Mr. Curtis was the same; and after a careful examination of its merits, he consented to argue the case as my counsel. Nothing prevented his doing so but a prostration of strength occasioned by laborious efforts in a protracted trial before the Circuit Court. And as the referees had appointed the day of trial, and the witnesses were in part summoned, I was obliged to relinquish his services, and seek another counsellor. And I found an able one in the Attorney General Clifford, as every intelligent man must admit, who either heard his argument, or has since read it.

Having thus obtained the opinion of these eminent counsellors I was still unwilling to carry the matter into the civil court, and made another attempt to induce Mr. Adams to do me a simple act of justice without resort to a suit at law. For this purpose I addressed a line to Mr. Choate, from which I will here quote a single sentence. "Do, my dear sir, use your influence to have the matter settled without resort to civil law. 'Blessed are the peace makers.' *I want nothing but a simple act of justice.* But if Mr. Adams refuses to do this, I see no way of obtaining my rights, except by an appeal to the laws of my country. This I shall do with great reluctance; and may God make use of you to prevent it." Whether Mr. Choate exerted his influence for this purpose, I am not informed. But if he did, it seems to have been as useless as was the letter of Dr. Woods to Mr. Adams, testified to before the referees. Dr. Woods says in his testimony, that he had a correspondence with Mr. Adams in relation to the dismissal of his church-members to my church, and endeavored to convince him of the right and the expediency of giving such dismissals. He says that Mr. Adams replied by expressing his conviction of my unworthiness to be sustained in the ministry, and that therefore he could not consistently dismiss members to my church.

As a further effort to avoid litigation, I wrote to several gentlemen, both clergymen and laymen, who, as I supposed, were intimate with Mr. Adams, to induce them to use their influence with him to have this matter settled without resort to civil law. But it would seem from the testimony of the Rev. Mr. Dwight that my efforts to avoid litigation had no other effect on Mr.

Adams than to lead him to taunt and reproach me for my want of courage and confidence to pursue the matter in the civil court. This he did even after the suit was commenced. Mr. Dwight testifies on oath and says—"After this suit was commenced, I was walking in Tremont street, and Dr. Adams crossed the street to me, and in a conversation about this matter, he said that Mr. Fairchild wanted courage to prosecute. I told him, (having in my mind what Mr. Fairchild had gone through with) that I thought he had courage, and enough of it."

Finding that I could not avoid litigation, and that the matter must come into court, I proceeded to make the necessary preparation. My counsel deemed it important that the records of the association, hitherto so studiously concealed from me, who had so deep an interest in what they contained, should be put into their hands, that they might know all the votes there recorded affecting my character, in order to enable them to amend the writ, if necessary, that no nonsuit should follow. Accordingly, application was made, first by me, and then by my junior counsel, to Mr. Alvord, scribe of the association, to furnish us with a copy of the several articles upon their records relating to my case. But our applications availed nothing. Mr. Curtis then advised to the summoning of the scribe before two justices of the peace to compel him to testify. Accordingly, he was summoned, the last week in March, 1850, to appear before Oliver Dimon and William E. Parmenter, Esqrs. to testify as to the records and the doings of the association in relation to me. The oath being administered in the usual form, he refused to testify as to the contents of the book of records, on the ground that he might thereby expose himself to a criminal prosecution. He thus declined doing an act the most reasonable and proper, and which common honesty (not to say christianity) seemed to require at his hands. As scribe, Mr. Alvord had written me several letters, and he was required to answer the question whether those letters were written by him? But he declined in these words—(I quote from Mr. Dimon's notes of the testimony)—"I think that the answer would constitute one link in a chain of evidence, which would tend to expose me to a criminal prosecution." He even said, under oath, that he did not know *absolutely* that Mr. Adams was a member of the association! when he admitted that Mr. Adams was a constant attendant on their meetings,—acted as moderator in his turn,—took part in their exercises, and that he had often recorded his name as a member; and yet he did not know *absolutely* that he was a member! and *he said this under oath.*" And *near* the close of the exam-

ination he confessed that he was acting under the advice of Mr. Adams and that Mr. Adams had said that "*his refusing to testify would be a defence to him.*" As I had hitherto been debarred from all access to their records, so also my counsel never *did* and never *could* have access to them, till they were produced in court.

On Tuesday the 24th day of June, 1851, the case came on for trial in the Court House in Boston, before three gentlemen of the legal profession, as a board of reference. And here you will ask, how did it happen that this case was taken from a jury, and submitted to a reference? I have only to reply that whatever of credit or discredit appertains to this act, not a particle belongs to me. To a jury I meant to have submitted the case, and to a jury it ought to have been submitted, as is now the judgment of those who then counselled me otherwise. And I finally consented to a reference with the distinct understanding on my part, that none of the referees should be of the orthodox persuasion, on the ground that sectarian or denominational influence ought not to have any part or lot in the settlement of the matter; but that three gentlemen of other denominations, noted for their sound judgment and strict integrity, should be selected for this service, to bring in an award in accordance with the merits of the case, without being influenced in their action any more by a D. D. than by an A. M.—by a rich clergyman with rich friends, than by a poor clergyman with poor friends. But the other party would never give us any names but those of orthodox men, with one single exception,—Professor Greenleaf,—and whom we readily accepted, but who declined the service. We gave them Judge Williams of this city, Judge Morton of Taunton, Hon. John Reed late Lieutenant Governor of the Commonwealth, Professor Parsons of Cambridge College, and other gentlemen of this description. But they were all rejected. At last the reference was made up as it was, of very honorable gentlemen, I admit, two of them being of the orthodox persuasion, and with neither of whom had I the least previous acquaintance, though I am told, it was quite otherwise with my opponent. And I consented to the reference, not even dreaming that three gentlemen of the legal profession, *could* declare *that* to be law, which the ablest jurists in the State, not to say United States, had declared to me was *not* law. As the law of christian equity and righteousness had proved ineffectual, I was compelled, as my last and only resort, to try the efficacy of civil law, not suspecting that by submitting the case to a reference, I should cut myself off from the protection of that very law on which I had placed my

chief reliance, and which such able jurists had assured me could not fail.

But while I shall not call in question the honor of the referees, or, say anything disrespectful of them as *men*, yet I trust it will not be regarded as a rash or presumptuous act in me to call in question the correctness of their decision. That decision was everywhere received with surprise. Mr. Clifford assured me in a note that “the result was utterly unsupported by any just view of the law, and that Mr. Adams had sheltered himself, not under the truth of his charges, but behind a purely technical defence, which the unbiassed and *unbigoted* judgment of the community can never sanction.” Mr. Curtis said to me that there was not the shadow of foundation in any law for that award to rest on,—and he added, the “referees have, in effect, said to Mr. Adams that he may tell as many lies about you as he pleases, and you can’t help yourself.”

I have spoken of the referees as gentlemen, and as honorable gentlemen. But they are men,—and whether their award has not proved them to be *BUT* men, I commend to your most careful and candid consideration. You have seen that award; for it has been published far and wide among you. If you have carefully considered it, or even hastily glanced at it, you could not fail to have been struck with the fact that it has but one side, and *that* against my humble self. Such I know to have been its impression on many discerning minds. You have seen,—you *must* have seen, that statements are there made so put together, as if intended to bring suspicion on me, without the statement of those facts which would remove all just suspicion. If any one present has not read that award, and therefore doubts its leaning—its *strong* leaning to one side, I commend it to his most impartial—most considerate perusal, and ask him to ascertain at his leisure, if what I have now said is not the *precise* truth. I ask you to examine and diligently search whether there is anything in that award to throw the least suspicion on my opponent, either in purpose or in fact, notwithstanding the distinctness and the fullness of the most respectable testimony to his great, complicated, and untiring abuse of my character. On reading that award with whatever care, who would suspect that it had been proved before the referees by the testimony of Dr. Burgess, that Mr. Adams had said to him, in speaking of me, “there goes hell,”—that he had said to the same gentleman that “I was an unscrupulous man, and so accustomed to mental reservation, and duplicity, that I had ceased to discriminate between truth and falsehood,”—and that “there was nothing in the early history of the

infamous Aaron Burr more diabolical than can be found in my history." On reading that award, who would suspect that he had made the darkest part of this representation to Dr. Burgess, weeks before he wrote his Marblehead letter, in which he called me his "dear, *dear* brother," and assured me that "he was prepared to do or suffer anything for me in any event," and that "he should weep at my injuries if I proved to be innocent, or weep at my fall?" Who would suspect on reading that award, that after saying and writing all this, and after telling Capt. Daniel Tracy, while riding with him in the cars, that "he believed me bad enough to go out of the world with a lie in my right hand," who, I say, would infer on reading that award, that after saying and doing all this, Mr. Adams had given me the assurance, twice repeated, through a mutual friend, that if I would come to Boston and be tried by a jury and obtain an acquittal "his pulpit should be open to me for the first,"—thus pledging himself to open his pulpit to a man whom he regarded as an unscrupulous liar even in a dying hour,—as vile as the infamous Aaron Burr,—and as hell incarnate—nay—*hell itself*? On reading that award, who would suspect that it was in evidence before the referees, that Mr. Adams had said, in open church meeting, that "I was the wickedest man that walked the streets of Boston?" Who would suspect that the Rev. Hubbard Winslow had testified before them, that when he told Mr. Adams that, in his judgment, the result of the council at Exeter fully vindicated me after my acquittal by the jury, Mr. Adams said to him that he differed from him, and that sooner than dismiss a member to my church, he would resign his office? Who would suspect that it had been proved before them by the testimony of the Rev. Dr. Gilbert, of Newton, that, as he had been solicited by his parishioners to exchange with me, he consulted Mr. Adams as to his duty in the matter, and that Mr. Adams told him about Dr. Hayward's affidavit to prevent him from proposing an exchange? Who would suspect that it was in evidence before the referees that Mr. Adams had written to a lady in Pittston for something against my moral character when I was in College; and when informed by her that she knew nothing against me, he had written a second time, telling her that he thought she did know something, and that it was her duty to Christ to tell what she knew, and that if she would make the disclosures, no harm should come to her; and that after all this persuasion, she still assured him of her ignorance of anything prejudicial to my character in any part of my life? And especially, on reading their award, who would suspect that Mr. Adams had anything to do in getting up that

false and infamously scurrilous pamphlet—the Medical Fact,—that he knew it to be false at the time of its publication, so far as it implicated me in any crime, because he had been so assured by my physician, whom he admits to be the only competent witness in the case?

And finally, who would have suspected, on reading their award, that Mr. Adams had made any attempt to palm upon me the writing of certain anonymous letters, which were not written in a disguised hand, and which bore no more resemblance to my handwriting, as Mr. Adams well knew, than to the handwriting of the Grand Sultan?

My escape here, fellow citizens, was so providential—I had almost said so *miraculous*,—that you must excuse me if I go a little into detail in this matter. On the fourth day of the trial several anonymous letters were introduced by the counsel for Mr. Adams, two of them addressed to himself, one or two to Deacon Drake, and one to Mr. Alvord; and though Mr. Alvord was absent in Europe at the time of the trial, yet he left the anonymous letter which he received behind him, to be adduced against me in court. And two professed experts, Messrs. Gould and Smith, were put upon the stand to swear them upon me as the writer. This was a very strange transaction. All the gentlemen to whom those anonymous letters were addressed, were perfectly familiar with my handwriting, each of them having, in his possession, numbers of letters and notes written by me. And one of them (Deacon Drake) being cashier of a Bank, is supposed to possess a good deal of skill in detecting forged and disguised handwriting. Now I venture to assert that no two handwritings could be found in all Boston more dissimilar than mine and that of the gentleman who wrote those letters, for he did not attempt to disguise his hand, but wrote just as he always writes, only omitting his signature. And yet Mr. Adams was willing to have them sworn upon me!* And so they were put into the case and read to the referees, Mr. Clifford having previously assured the counsel on the other side, that he could control those letters and show most clearly that I was not the writer. But his words seemed to them as idle tales; and they believed

* That the reader may see for himself, the striking dissimilarity between the two hands, the accompanying *facsimiles* are presented as fair specimens. It would have been gratifying to present a facsimile of one of the letters produced in court; but as those letters were taken care of by the adverse party, they are beyond my control. The reader will observe that while the one hand is angular and constrained, the other is free and dashing. He will also remember that a fictitious hand is never so easy and free as one that is natural,—a fact with which experts to be *really* such, should know as a first principle in writing. Another fact, which should not

him not. One of the letters addressed to Mr. Adams was such a specimen of low wit, that the opposing counsel must have used it greatly to my disadvantage, and he doubtless *designed* so to use it. But as a kind Providence would have it, the handwriting was recognized, and it was soon ascertained that the writer was

have been overlooked, and which should have been to them at once conclusive is, that those four letters, though written at different periods, and in different years, were uniform, while no person, who undertakes to disguise his hand would be likely to have that uniformity at *any* interval, whether near or distant. The adventurous introduction of those letters into the case, and, the rash testimony as to their origin, strikingly illustrate the formidable power of prejudice, so often my lot to encounter in the progress of this whole affair.

You know, that I have
been acquainted with
the interior, as well
as exterior of the
"Theological Seminary"
at Andover, from its
origin!

You know that I have been
 acquainted with the
 interior, as well as exterior
 of the Theological Seminary
 at Andover

in Philadelphia. By a telegraphic despatch, he was summoned on to Boston to testify in court, and he did testify on oath that "he wrote those letters without any aid from man, woman, or child, and without the knowledge of Mr. Fairchild." I thus escaped the scathing rebuke which I should otherwise have received from the opposing counsel.

I am not acquainted with the gentlemen who swore those letters upon me. I never knew them till I saw them on the stand. But they are said to be very respectable and honorable gentlemen; and I would not detract a single particle from their respectability and honor. But I did think that when they saw how mistaken they were in their testimony, and how they had put me in jeopardy, they would have been magnanimous enough to offer to pay the expenses of summoning the witness from Philadelphia, and of his attendance in court, all of which amounted to about thirty dollars. But it seems to have been my fate all along to pay people for their attempts to crush and ruin me. However, I have done the public some service in showing how little dependence can be placed on the judgment of experts; and I trust that the experts themselves will in future be a little less confident, and a little more modest in their pretensions.

But while the preceding and other expressive items of evidence against Mr. Adams were not so much as alluded to by the referees, yet were they careful, in their award, to state matters brought before them to my injury, by the learned counsel for the defence, and against the introduction of which my counsel earnestly protested, on the ground of their irrelevancy, as having been finally disposed of, then more than six years, by a competent tribunal, and therefore as being matters which I could not possibly have contemplated as the subject of review before the referees.

There is one item introduced by the referees into their award,—and I think needlessly as well as cruelly introduced,—to which I beg leave to direct your particular attention for one moment. The matter to which I refer is to me a subject of great delicacy, and one which I should be glad to let pass unnoticed, if I could do so without injustice to myself, and perhaps to you. I allude to the manner in which the referees speak of my attempt at suicide. Every reader of their award who was unacquainted with the facts which were fully before the referees, would suppose that I calmly resigned my office as pastor of the church at Exeter, and calmly retired to my chamber, and then with equal calmness and self-possession, made an attempt on my life. The natural inference drawn from the statement of the referees,

(whether so intended by them or not,) is this—that I was in perfect possession of my reason at that time, and therefore the act may be regarded as a confession. No one would suspect that it appeared in evidence before them, unimpeached and unimpeachable, that I resigned my office at 8 o'clock on Tuesday evening,—that at midnight I was a raving maniac, and that my attempt at self-destruction was not made till Thursday morning. No one would suspect that Dr. Perry, my attending physician, had just stated to them on his oath that he had made the subject of delirium his special study for years, and that a clearer case of insanity he had never witnessed. How uncalled for, how unjust such a reference was, thus naked and unexplained, I leave to the manhood of others to decide.

Excuse me if I pause here a single moment, just to avow my fixed belief—a belief founded on experience as well as Scripture—in a superintending Providence. My history, as I have been relating it to you, is full of providential interpositions. Whoever may doubt the doctrine of a particular providence, surely it becomes not me thus to doubt. I think I may say with David, “If it had not been the Lord who was on my side, when men rose up against me, then had they swallowed me up quick.” For, as I remarked at the beginning, I am a poor man, and the pastor of a poor flock. With such a combination against me, so powerful and so long continued, it is a wonder to myself, as well as to others, how I have been sustained; for I have not had one particle of the influence of aristocracy and wealth exerted in my favor, but much of it against me. And the question has been often asked me, and perhaps some or all of you may, this very hour, have wished to put the same question, “How have you lived through such a scene of troubles?” This question was once put to me by a clergyman in Hartford, with whom I had lived as his neighbor for more than ten years; for said he, “I should have died fifty deaths; how have you stood it?” My reply to him was this, and I make the same to you;—“A man, with a good conscience and a good wife, can stand any thing;” and I can truly say that I have felt their sustaining power.

Friends and fellow citizens: I have now sketched an outline of the doings of Mr. Adams, singly and in various combinations, of which he was not second to the foremost,—an outline which, I think, must impress any honest and discerning mind with the aggravated wrongs I have suffered, and with the unbecoming methods of inflicting those wrongs.

Having finished this outline, which, if filled up, would exhibit those wrongs in yet more striking relief, I proceed to state and

remark upon, the chief legal opinions of the referees as declared in their award. For though I make no pretensions to legal science, yet I take it for granted that civil law is in accordance with common sense and common justice. And if I had had any previous doubts on this point, they would all have been dissipated by reading the review of their award in the Law Reporter of last November, and since published in the Boston Post and Boston Courier. That review was doubtless written by a legal hand; and whoever the author may be, no right-thinking and right-feeling man among us, can read it without a deep conviction of its truth, and momentous import.

And while I proceed to remark upon the legal opinions of the referees, I bespeak your *attentive* and *patient* ear, feeling assured as I do, that those opinions will, when the most carefully weighed, the most surely deepen your impression of the wrongs I have suffered in the strange progress of clerical and legal doings.

In addition to what I have already said of the award of the referees, I come now to speak of a still graver part of it—a part in which, not only myself, but the *entire* community have a deep and lasting interest. And here I mean the *question of privilege*,—the privilege of saying all manner of evil falsely against one's neighbor, for the sake of God and the public welfare. In their award the referees have laid down the principle as a city of refuge for gross and persevering slander, within whose sacred gates Mr. Adams is inclosed and fortified against all pursuit,—the principle that a clerical association has full power to charge one of its members with gross crimes; to adjudge him guilty of them, and to fasten his condemnation on their records for transmission and inspection through all succeeding time, however false those charges may be, or may have been proved to be by the final and solemn verdict of a tribunal established by law for the protection of the innocent, and for the public safety;—a principle which allows a clerical association to do this and all this, without the trial of the accused, and against the ecclesiastical inhibition of such trial,—without his knowledge of the accusation, and even when such transaction is concealed from his view for years, and at last finds its way to his knowledge in spite of their vigilant secrecy. Nay more; the principle of the award covers not only this broad ground, but reaches to a yet wider extent; for it protects the leader in these clerical transactions as well *out* of the association as *in* it. For the sake of serving God, it allows him in his church, and wherever he may accost a neighbor, to reiterate and multiply his scandals without stint, and without fear of responsibility.

In their award the referees state the ground of defence set up by the counsel for Mr. Adams in the following words—"that clerical associations are by law privileged to institute inquiries into the conduct of members, to pass votes of expulsion against them, and to record their proceedings, provided it be done in good faith and without malice, and that the defendant is not bound to prove the truth of the allegations made in this association." This, fellow citizens, was the ground of defence assumed; and it is *only* an assumption,—an assumption unsupported by any shadow of proof, and contradicted by the highest living testimony, and the unbroken history of two hundred years,—testimony and history clearly and emphatically presented before the referees.

And in reference to this ground of defence, the referees declare their own opinion, as follows: "that a person acting in the discharge of any duty, legal or moral, and in good faith, is privileged in making accusations against another, without being held to prove their truth, if made on proper occasions. They believe that in this Commonwealth, all denominations of christians are privileged to maintain the discipline of their respective churches according to their various usages, including the making of complaints and accusations, the production and discussion of evidence, and the recording of their proceedings." Now, fellow citizens, if this has any meaning at all, and any relevancy to the case before them, it is used by the referees to vindicate the course of conduct pursued by Mr. Adams, though the association, of which he was so influential a member was not "a church," and though their action, instead of being "according to the usages of their own denomination," was in violation of its earliest, best established, and well known principles. They further say:

"The referees are of opinion that there may be cases in which it would be proper for a jury to acquit a person charged with a crime, in which it would not necessarily follow that an association of clergymen should be so far bound by the verdict as to regard and treat the individual acquitted as an innocent and moral man; that while the verdict is entitled to great weight, and ought to be regarded as *prima facie* evidence of innocence, yet that such an association is not bound to regard it as conclusive; that when the plaintiff asked to be restored to his standing by rescinding their vote, and also requested to be recommended to another association, it became proper for them to discuss the matter, and act on it according to their convictions of truth and duty."

The general principle of *privilege* here laid down, in order to bear on any case, must find, in that case, the facts assumed by

the principle. For instance; when the referees say that a "duty" creates a "privilege," they virtually say, that where no duty is, no privilege is created. Doubtless every duty implies the privilege of performing it. Can then the law contemplate the acts of the association in respect to my request to be recommended to another association, as *acts of duty*? If so, then it was their duty to take *some action* on my request, and, in the second place, *to act as they did*—that is, to consider and determine as to my guilt or innocence.

Did then, my request create the *duty* of acting *at all*? It may not have been unlawful for them to act in *some* manner, but wholly inexpedient; and if inexpedient, then not a duty. What they may do or not do, as they please, neither they, nor the law can look upon as their *duty*. Had the association declined acting *at all* on my request, how could the law say or suspect that they had failed in duty by inaction? The law could point out no *ground* of such obligation, and if not, then not the *obligation itself*. A congregational church is on a different footing. By its settled principles, it has a duty to perform when a member of it, on a proper occasion, requests to be dismissed to another church. It is their duty to dismiss him at once, if he has not been delinquent; and if he has, to take proper steps of discipline without delay, in order to reclaim him, or, if incorrigible, to separate him from their fellowship. This is their principle, law, and usage, and *hence* their duty. But associations have no such principle, rule, or custom. Their ecclesiastical polity forbids it. There was then no obligation—no "*duty*" to act at all on my request to be recommended, and therefore no claim of "*privilege*." I have here assumed that the law will not say that the association were bound to do *acts of courtesy*, or of *mere favor*, as both the civil and canon law have hitherto left these matters to take care of themselves.

But on the supposition, (and it is *only* a supposition) that the association had a duty to perform, and that both the existence and the duty of an association were cognizable by law,—what then? Was that which the association *did*, their duty? Rather, was it not the very act they were bound to *refrain* from doing, by the clear principles, explicit rules, and constant usage of their own ecclesiastical polity? What is the ecclesiastical polity of the congregational churches in Massachusetts? For an answer to this question, see page 156 of "*Upham's Ratio Disciplina*." He there says, "the General Association of Massachusetts expressly and wholly disclaim ecclesiastical power or authority over the churches or the opinions of individuals." And if the

general association has no such power, much less has a *district* association. I will also quote here a single passage from the 195th page of "Punchard's View of Congregationalism." He there says that "the objects of ministerial associations are personal improvement, the cultivation of brotherly kindness, and to assist each other, by counsel and advice, in discharging ministerial and parochial duties." On the same page he says that "they claim no legislative or judicial authority." Of course they have not a particle of disciplinary power over one of their members. They are ecclesiastically unknown and uncognizable. They cannot so much as be a party before an ecclesiastical council, whether in a case of discipline or any other matter. They have no more power to touch character by discipline or censure for alleged immorality in relation to the humblest of their members than they have to convoke the divan of the Grand Turk. It is questionable whether the entire history of congregationalism in Massachusetts furnishes a precedent for the associational censure of a clergyman in regular standing, *on its own authority*. If rare exceptions can be found, they are violations of ecclesiastical order, and their being rare is, of itself, a presumption against them. But if an association can accuse and adjudge a minister for one offence, they can for another; and if for a crime, then also for *heresy*. And who that knows any thing of the ecclesiastical history of Massachusetts, can be ignorant that, not only the churches, but the clergy themselves have always been too jealous of the clergy to allow them, on any pretext, or in any way, to have the "keys" in their own keeping?

But there is another point of observation, from which this question of "*duty*," with its consequent "*privilege*," may be looked at with advantage. It is this: Did the *association themselves* assume or imagine that they had the "*duty*" to perform, which has occurred to the *referees*? How could they dream of having a duty to act at all on my request to be recommended to another association, *before* rescinding their vote depriving me of membership? If I did not *belong to their body*, as they had declared and still persisted in, what duty could they have towards me *as a disciplinable member of their body*? Would a like request from any other *stranger* create such a "*duty*," and bring with it the "*privilege*" of "*maintaining discipline in good faith on a proper occasion*?" The notion of such duty is preposterous.

Let us further consider this principle of the referees in its assumed application to the case before them, that "a person acting in the discharge of any *duty, legal or moral*, and in *good faith*

is *privileged* in making accusations against another, *without being held to prove their truth, if made on proper occasions.*"

This opinion, given to exculpate the defendant, assumes that the association in *general*, and Mr. Adams in *particular*, had a *legal or a moral duty* to perform, in his and their action against me. *Duty* is that which one is bound to do. *Legal* duty, as here employed, is that which springs from the authority of civil government. *Moral* obligation is that which is required by authority of God. Whenever human laws are right, it is a *moral* duty to conform one's conduct to what they require. The verdict of the jury, rendered according to law, was *itself law*, throughout this Commonwealth—it was *the will of the people*—of *all* the people. Such is its acknowledged force, the jury not acting in their private capacity, but as the constituted representatives of the Commonwealth. That law, in its true and understood import, forbade each and every man, in his cognizable conduct, to set himself above it. The law cannot look in upon his private, unuttered opinions; these are with him and his God. But so far as the law can see—so far as overt acts are concerned—it strictly prohibits each and every man from contradicting its declared will—however declared. Every final verdict of a jury is such a law. If a man, charged by law with crime, is by law acquitted and declared innocent, he is sheltered by the law. Its protection is given him as his *due*, and he may claim it as his *right*. Its power *in* court, is its power *out* of court. It is his ample and impenetrable shield wherever he is, and whithersoever he goes, from the centre to the utmost verge of the State whose law that verdict is. No citizen, no combination of citizens, no gathering of priests and levites, no judicial tribunal, no legislative authority, no executive power, nor all combined, may venture, in *sight* of that law, to do him harm by annulling its unchangeable decree. It is both their *legal* and their *moral* duty to respect that law in all their *cognizable* conduct. *Beyond* this outward conduct human law has nothing to do, for it *can* do nothing; it cannot *reach* where it cannot *see*. But *within* that limit, it is quick and jealous to protect whomsoever it declares innocent. *Thus far* it places him and *means* to place him, in the condition of the least suspected and the never suspected of his fellow citizens. If in any case, the law allows jurisdiction elsewhere—if it allows to churches of all denominations the "privilege" of "discipline," it allows this "privilege" not in conflict, but in harmony with its own decree,—with the verdict which, every where else, it sustains. If by legal permission, the discipline of a church may *precede* a verdict of court, it may not *follow* and *reverse* it.

Law cannot allow contradiction of law. To be respected, it must respect itself. To this effect our platform, chap. 17, sec. 2, says with comprehensive force, "*Church government stands in no opposition to civil government,*"—(a government, be it remembered, not despotic or tyrannical—a government established and administered, not for the advantage of one, or of any part, but for the *common good*)—"Church government," says the platform, "*stands in no opposition to civil government, nor any way intrencheth upon the authority of civil magistrates in their jurisdiction; nor any whit weakeneth their hands in governing; but rather strengtheneth them, furthering the people in yielding more hearty and conscionable obedience unto them.*"

And now, fellow citizens, what greater shame can there be to any State, than to allow the priceless character of the humblest of its citizens, after giving it protection by "a tribunal competent to compel the attendance of witnesses and the utterance of all the truth," confronted by the accused, then to be snatched from him, and cast out as evil, by an association not known in law, incapable of compelling the attendance of witnesses, not suffering the attendance of such as would come, denying to the accused, all access, either in person or by counsel, but doing all their inquisitorial work in *dark ex parte conclave!* Alas! for congregational liberty, if character may be struck down by an irresponsible clerical blow in the dark, though shielded by counsel and jury, and then be trampled on from age to age by authority of a false record, till the slow waste of time shall obliterate the hand writing of dishonesty!

Say, fellow citizens, say, is this what the referees mean by the "proper occasion," the "good faith," the sacerdotal "privilege," the "moral duty"—those imposing terms so densely crowded into four brief lines of the award, for the exculpation of Mr. Adams, and the ruin of my all! And yet, fellow citizens, such *was* the process by which, in spite of council and jury—in spite of law and gospel, my character, my office, my family, my church and society, my power and privilege of doing good were all struck at, blow upon blow, by the obstinate and relentless hand of one affecting to honor, by such doings, the righteous law of God, and the benign gospel of Jesus Christ!

Did not the referees understand, or can you, fellow citizens, help knowing, that the laws of this Commonwealth, in allowing christians of all denominations "the privilege of maintaining discipline according to their various usages," contemplated *christian* discipline—*christian* usages,—such usages as harmonize with the spirit of civil law established and administered in this free

State, according to those everlasting principles set forth in her own Declaration of Rights? Did not those learned referees *understand*, or how could they *forget* that the decisions of our Supreme Court recognize, in many ways, in respect to ecclesiastical affairs, those ever-living principles of equity, without which, church and state are in rebellion against God and man? If they were forgetful of such facts—such land-marks of law, they had only to reopen their books, in which they could hardly pitch upon a leading ecclesiastical case without seeing that the doings of a church or council were confirmed or set aside by court, as they harmonized or conflicted with those essential, universal principles of equity, without which there can be no true idea of justice on earth or in heaven.

And here, fellow citizens, we may profitably look back for a moment, to the origin, and survey the progress of the legal toleration of christian discipline in the churches of Massachusetts. It began with, and was nurtured in the infant *Colony*: it grew up in the *Province*; and when this, for civil and religious liberty, assumed the condition of a sovereign *State*, it was so blended with the sentiments and habits of the people, and with the whole public economy, that to separate them was to tear in pieces at once, the civil and moral constitution of society. When our system of congregational discipline was first formally declared in Massachusetts by the platform adopted at Cambridge, in 1648, in synod of the churches of New England, its principles and rules were carefully examined by the General Court, and by that court formally approved and recommended, doubtless as in harmony with the great principles of civil liberty on which their minds were then so intently fixed, and their hearts so resolutely set. The *Star Chamber* and the court of High Commission, then just abolished in England, they had left behind them on the other side of the broad Atlantic, and with a far-reaching foresight, they were resolute that no such mockeries of justice should pollute this fresh land, and corrupt its fountains of life for their children.

This was the common sentiment of the Pilgrims, in church and state. Whatever follies any may upbraid them with, the world is witness that they achieved more for the liberties of mankind, than all others of their own day,—more than their posterity can hope to achieve. And if ever a system of ecclesiastical polity was or could be devised with careful circumspection and foresight to inhibit to the clergy the power to pass censure, in any way or degree upon any minister or lay-member of any church, for any cause, and to confine all such power to the

particular church whose minister or lay-member had offended, to be exercised with or without the advice of a council, as the case might require—I say, if ever such a system was or could be devised by mortal men, it is our ancient congregational system, known as the *Cambridge Platform*. And as, at the beginning, the discipline of the churches was respected by the civil government for the harmony of its spirit with that of the civil law, so that respect for it has been preserved through all subsequent periods, to the present time, by the constant conformity of its usage to its original principles.

The referees say that when I asked the association to restore me to my standing by rescinding their vote, and also requested to be recommended to another association, it became proper for them to discuss the matter, and act on it according to their convictions of truth and duty. This statement as to matter of *fact*, and matter of *legal opinion*, I shall consider in its *parts*, that you may the better judge of the stress laid on their *combination*. And first, as to the alleged matter of fact, that I asked the association to restore me to my standing by rescinding their vote, and also requested to be recommended to another association.

Now this statement of the referees fails to express the real character of my application. If my language was courteously that of *petition*, it was, in its drift and reasons, that of a *claim*. Nay more; it was *expressly* a *claim*. My application to the association was expressed in these words; “I now ask, *as my just right*, that the said vote be rescinded; and for the reason that the causes of my separation from the association as set forth in your records, are false and libellous. And I further ask that you will notify me *officially* that the vote has been thus rescinded; for as it now stands, I am told by a competent judge of the law, that it is a *perpetual* libel, reaffirmed by the admission of every new member into your body, and *especially* will this libel be renewed by a vote not to rescind it. I shall not cease to claim this as a *right* due from man to man—from christian to christian—from minister to minister. I *claim* it in the name of him whose servants we are, and in whose mercy we hope. I *claim* its rescision as having no more legal or moral right to remain on your records, than would a similar vote respecting any member of the association. I am not now asking of you a *favor*, but a *right*.” And as an inducement for them to grant me this *right* without delay, I added, “life is uncertain; and the thought of leaving the world with such a libel on your records, to be handed down to all future generations, is as painful to me as it could be to any of you in a reverse of circumstances.” Judge ye, fellow

citizens, is this asking the *favor* to be dismissed and recommended to another association? My *claim*,—not *petition*—my *claim* was expressly on the ground that the vote of the association was based on a false preamble, making no pretence of any other foundation. It was, that a vote resting, on what was false ought, in common honesty, to be rescinded, and that the natural and just effect of erasing the record would be to do away whatever depended on that record—the only evidence of non-membership. This firm, but respectful *claim* is the substance of what the referees paraphrase into the statement that “I asked to be restored to my standing!”

Doubtless the association had a right, and it was also their duty to examine their recorded preamble and vote complained of by me, and to ascertain whether my statement of their falseness and injustice was true; but as when they made their record, they had no right to sit in judgment themselves on the merits of my case, and determine my guilt or innocence, but were dependent solely and professedly on the result of council for authority in their own doings, so they could acquire no such right of judicial process and censure by my statement of the false character of their record, or by my courteous claim that they rescind it, with the natural and necessary effect of so doing. The proper scope and limit of their inquiry was the truth or falseness of their own record, by the light of the result of the Exeter council; and as in the first instance, they were bound not to contradict or transcend that result by their record; so, in their review they were bound by the same obligation. Had the association voted to deprive me of membership on the false ground that the *jury* had definitively pronounced me *guilty*, my request or claim to have that vote rescinded, would give the association no right to place me on trial at their bar. They, who had never before possessed such a right, surely could not acquire it by their own wrong, or by my appropriate action in respect to that wrong. Their proper and their only proper inquiry would be *whether they had done the wrong imputed to them?* Evidently, then, my application to have the record rescinded—not as a matter of grace, but of debt—gave the association no right to place me on trial for crime, or without a trial to adjudge me guilty of crime, of which I had been acquitted by the only tribunals, in such cases, known to our civil or ecclesiastical polity.

But let us consider more particularly the opinion of the referees that the association acquired the “privilege” of accusing, trying, and condemning me, and so recording, *in consequence of my having “requested to be recommended to another association.”*

And first, I would call *special* attention to the *nature of my request*, as both the association and myself were bound to understand it. It *did* not and *could* not contemplate a *trial*, or the *possibility* of one; and it is matter of surprise that three grave lawyers, with the clear light they had on the subject, could so misapprehend the exclusive and necessary import of my request. It contemplated a mere yea or nay—that is, *a recommendation or a refusal to recommend*. All that was asked for was, *an act of courtesy*, occasionally though but seldom solicited when a member leaves one association and joins another. His *ministerial*, and not his associational “standing” is his real passport. Such a request confers no right to censure, on an association of ministers having no such right before, and being constitutionally unable to acquire it. It sometimes happens, though rarely, that a clergyman, about to visit a part of the country where he is a stranger, asks of an association letters of credit to take with him. But who ever dreamed that by such a request he cut himself off from the protection of his character by the law and usage of his and their denomination? His *pastoral office*, while duly existing, is his paramount evidence of credit, and his associational recommendation but a mere act of courtesy, announcing his standing—a standing which an association, if it can courteously favor, has no power to harm. *A request for any act is presumed to be limited by the known power of the agent*. An association, at their pleasure, may give or withhold a recommendation; but to accuse and condemn is beyond their province, and no occurrence can bring it in;—no, not even the consent of parties; for such an agreement would be a just occasion of offence to the flock of a pastor who should put his character, and consequently their interests, at the disposal of those from whom it has been jealously guarded by fundamental principles and corresponding usage. Indeed, the congregational churches collectively, in fellowship with each other on a common foundation, would have like cause of complaint for the violation of their sacred principles, and an innovation on their settled custom. The Suffolk South Association were no strangers to this fundamental principle, and this constant usage. No feature of congregationalism was better known to them than that of their juridical impotence, at all times, and on all occasions. They well understood that no such power, actual or virtual, was or could be theirs. If one of their number had offended, either in or out of the association, and they had thought it a just occasion of discipline, a remedy was at hand, provided for by their ecclesiastical platform. They knew that way, and no other; and it was exactly because they

knew it and could not mistake it that, contrary to their wish and intent, they arranged with me preliminaries for an investigation by a *regular council at Exeter*, and sent commissioners there to prosecute the case before that council, instead of setting up associational jurisdiction or its equivalent, under another name, *in conclave at Boston*. As they knew beyond doubt that they were powerless to censure me *previous* to my trial by a council, so they knew equally well that such a trial could confer no such power.

Would it be a want of charity, tell me, fellow citizens, would it be a want of *enlightened* charity to say that the long and short of the matter is *this* :—that in a tumult of wide excitement which some of their own hands had been full busy to stir and keep stirring :—that when a wrong sentiment was accumulated to the top of its power, the headstrong partisans and leaders of the association imagined that any thing they wished to say and do was safe, without regard to rules of church or state, and that *therefore* they misshaped their record as they did ; but that having done the wrong, neither the slower reflux of a strong tide, nor the verdict of a jury sustained by the provision of a result of council, nor the written opinion and advice of more than forty respectable ministers, nor my installation by a regular council of no ordinary respectability, nor all combined, could persuade the obstinate and influential to retrace their false steps, and thus condemn themselves for a *rash partisan vote*. I would not be uncharitable ; but certainly it is very natural and very common for bigotry, whatever its form and wherever its abode, to care less for truth and justice than for its own self-consistent wrong.

The referees say in their award, “ that there *may be* cases in which it would be proper for a jury to acquit a person charged with crime, in which it would not necessarily follow that an association of clergymen should be so far bound by the verdict as to regard and treat the individual acquitted, as an innocent and moral man.”

These are cautious words, and, as it seems to me, *too* cautious for the righteous ends of law. I would not here treat the *source* of these words with disrespect ; it is only, their import that I have to do with. When I speak of them as words *over-cautious*, I only mean that they are so wary as exactly to shun the very point that should have been exactly met. The true and the obvious question is this,—*May an association of ministers, in respect to an alleged crime, declare and record as guilty, him whom the law has declared and recorded innocent ?* Does it require professional skill, or any learning above plain common sense, to

answer this question? Is not the question itself its own answer? True, the law does not compel an association to receive as a member him who has been so acquitted; but if law is better than no law, it *does* forbid them to set themselves above law,—it *does* claim that they respect, instead of setting at nought its decisions.

The referees, in that part of their award above cited, say, “There *may be* cases,” &c. To a person misinformed or uninformed as to the ground of my acquittal, it might seem from the manner of the statement of the referees, that the *possible* and the *actual* were one and the same, and that the *legal verdict* of the jury, did not harmonize with their *moral convictions*. I would not suppose the referees capable of making such an impression by design; but as unintended injustice is often as pernicious as if designed, and as the possible case supposed by the referees is made to bear on subjoined parts of their award, it becomes proper here briefly to state, (for the time will not allow of expansion) that the witness who, from the nature of the case, was *the indispensable reliance* of the prosecution, and who, if I was guilty, had no motive herself to be false, and who, besides the solemn obligation of her oath before God, had the strongest inducement to speak the truth, was thoroughly broken down, and that too, by her own testimony. Indeed, so incoherent and palpably false was her story before the court and jury, that the accomplished counsel for the government then and there whispered to a gentleman of the bar by his side, “*her testimony is rotten* ;”—a statement since fully confirmed by the repeated declaration of Judge Washburn, before whom the case was tried. And besides this, it was before the referees, as a fact admitted by the adverse counsel—admitted after resistance, and admitted too in order to keep out the more impressive testimony to the fact by the respectable and well known jurymen, Mr. George W. Bond, that I was acquitted by their verdict, not on the ground of technical defect or mere legal duty, but on their distinct persuasion of my *moral*, as well as legal innocence. And yet, some how or other, it so happened, for the escape of Mr. Adams, that mine was put among the *may-be-cases* of acquittal by a jury, which a clerical association may treat as a *conviction*, by making a permanent record falsifying the record of court! If this be *law*, tell me, fellow citizens, what is its protection? Who is safe? But perhaps the learned referees might answer, “Any body but a clergyman! And even he is safe, if he has the good luck not to come near a clerical association!”

The referees, having expressed their opinion in the abstract, about possible cases—cases that “*may be*,”—go on to say, as

their further opinion, “*that while the verdict of a jury is entitled to great weight, and ought to be regarded as prima facie evidence of innocence, yet that such an association is not bound to regard it as conclusive.*”

Such an association!—*great weight!*—*not conclusive!* These, fellow citizens, are words of grave import. Let us then inquire into their meaning and application. “*Great weight!*” And *where?* Is a verdict of acquittal to be so ponderous that the might of the law cannot move it a hair’s breadth, and yet so very light that the breath of a ministerial club, not known to the law, can blow it away as a feather?—“*Not conclusive!*” And *to whom* not conclusive? Is a verdict of acquittal, then, conclusive in a court established *by* and *for* the whole people of this Commonwealth, and so conclusive that the people may not openly gainsay it,—may not openly falsify it; and yet so *inconclusive* that “*such an association,*” a self-constituted spiritual court, not recognized by the civil law, and carefully denied all jurisdiction by the fundamental principles of their own platform, and the settled polity of two hundred years,—is a verdict of acquittal, I ask, so *inconclusive*, that “*such an association*” may, in conclave, sit in judgment on *him* who has been acquitted, reverse the verdict, and make a lasting record of his guilt? *Can* that be a true legal doctrine which so counteracts the force of law?—Which so thwarts common sense?—Which so ungospels the ministers of Christ, the disciples of him, who when guilt was open as the day, mercifully said, “Neither do I condemn thee: go, and sin no more.”

But the referees yet further proceed, and say, “*When the plaintiff asked to be restored to his standing by rescinding their record, and also requested to be recommended to another association, it became proper for them to discuss the matter, and act on it* ACCORDING TO THEIR CONVICTIONS OF TRUTH AND DUTY.”

This is, indeed, a vast principle. Certainly this law of the referees is “*exceeding broad.*” I will not venture to take you, step by step, over all the ground it covers; for that would overtask both your patience and mine. Therefore, after a momentary glance over this *continent* of clerical license, I will explore with you some of its most striking localities.

This, then, is the general principle, that if any minister seeks admission into a clerical association, they may so “*discuss the matter,*” as to say, without restraint or limit, whatever they may *think proper* to say; and that they may “*act on it,*” whether by final vote or fixed record, *just as they think proper!*—or, in the tantamount language of the referees,—“*according to their*

convictions of truth and duty!” This is breadth,—nay more it is both latitude and longitude, with a vengeance.

And now, after this rapid *general* survey of the principle itself, I beg your attention to a few striking *particulars*, as to the *allowed practical operation* of these clerical “*convictions of truth and duty,*” persuaded, as I am, that even a hasty glance at the *practical operation* of any principle will more forcibly exhibit its character, and more clearly develop its scope, than the wisest abstract speculation of civil or canonical doctors.

It matters not—so the principle declares—it matters not at all WHAT those clerical “*convictions of truth and duty*” are—whence they come,—whither they go, or what they do. Reasonable or unreasonable, right or wrong, with law or against law, for good or for evil, they are alike and wholly irresponsible! It matters not what prejudices bred them,—what bigotry nursed them,—what evidence they resisted,—what decision of court they annulled, or what verdict of jury they falsified. It matters not what interest they mar—what character they defame—what calling or business they ruin—what church or society they molest—what individual they harrass and prostrate, or what family they afflict with deep and lasting distress! No, no matter—none at all! The law—(so the referees gravely assure us)—the law sits calm, and self-complacent, and dignified, and unconcerned—wholly indifferent to all wrongs and all griefs,—yes, and all insults to the solemn verdict of its own sanctuary,—*provided* the clerical association who do these wrongs, inflict these griefs, and mock the majesty of law,—commit such outrages on common sense, “*according to their convictions of truth and duty,*” or, in other words, according to whatever is “*right in their own eyes.*”

Hitherto this sweeping license to clerical associations has been shut out of our borders with a care and a decision which have both expressed and preserved the deep moral sentiment of the people within those borders. Our civil and ecclesiastical institutions have been at all periods, a discouraging bulwark against the intrusion of such license. The genius of the Commonwealth has sternly rebuked every aspiration for a power so adverse to what she has most loved and cherished. In no part of Massachusetts, in all its history, has there been, till now, a more constant or a more clear-sighted vigilance against the stealing in of such a power, than here, in your world-known metropolis. Without this deep-rooted principle of hostility to unmixed and unchecked clerical power, the light which has beamed from this spot on all nations, had never shined, and the deeds which have

made its name imperishable to the end of time, had never been done—no, *never!* We feel too sure of the glory of the past, and too richly the enjoyment of the present, to be provident enough for the future. The time may come, and its silent step may not be far off, when there shall be felt a need, greater than we can now feel, of all those guaranties of civil and religious liberty which our fathers were so wise to establish, so vigilant to guard, and so self-sacrificing to defend. It is a thousand fold easier to keep them when possessed, than to regain them when lost. Who knows the end—who can foretell the result of a decision, which, if sustained, will stand as a recorded legal precedent in favor of secret ex-parte clerical power over verdicts of juries and constitutions of government—a clerical power *limited only by its own “convictions of truth and duty?”* “God save the Commonwealth of Massachusetts” from the rank injustice and the certain perils of such *judicial law!*

But can the decision of the referees be sustained by the sanction of the full bench of our Supreme Court, to whose judgment it is to be submitted as a question of law? If they do adjudge their decision a legal one,—if they do say that a clerical association, being no more known in law than a club of merchants or mechanics, without a particle of authority, civil or ecclesiastical,—if they do say that eight or ten clergymen in secret conclave assembled, may lawfully malign a man in the worst possible form, and strike a fatal blow at his character behind his back, and do it with impunity, protecting and exonerating themselves behind the law of “privilege,”—if, I say, the full Bench so decide, the people will at least know what the law of privilege is, and will doubtless govern themselves accordingly. They will, I think, demand of their legislators the enactment of a law on this subject in accordance with common sense and common justice. For with such a law, (if the honorable gentlemen on the reference have judged correctly,) no man or woman in the community is safe from the malignant attacks of the tongues and pens of their envious and slanderous neighbors, especially if connected with any society or association, secular or religious. If this be law, then every man should be cautious how he connects himself even with the church of Christ; for in so doing, he may, with his own hands, be digging a grave, in which to bury his reputation, and his dearest earthly hopes and prospects forever.

And yet this *is* the law, according to the decision of the referees. Yes, they tell Mr. Adams that all the slanders which he had penned and spoken, and all the libellous votes which he and his friends had put upon record, were nothing but “privileged

communications." I appeal, fellow citizens, to your unbiassed and most careful understanding, whether these are or *can* be privileged matters to any individual whatever? For in such matters common sense and law are—should be—*must* be one and the same thing. I appeal then, to your common sense whether such a privilege, to any individual, be he who he may, is not destructive to the *rights*—the *welfare*—the *safety* of the entire community? Judge ye; are ministers of the Gospel "privileged" to do all these abominations? I know your judgment in this matter. I know what it cannot *but* be. I know that in your apprehension, such a privilege is a foe to the ministry itself and to all who are doomed to sit under it, and a disgrace to all who support it.

Fellow citizens, it is now some seven years ago, while a settled minister in *another* state, that I was accused of a crime in *this*. Mr. Adams appeared before a regular council at Exeter, as a zealous prosecuting commissioner and witness against me. The council, by their result, in consideration of deep impressions from imperfect testimony, (imperfect from their want of those powers which are indispensable to justice in a civil court,) suspended me from the ministry, till the occurrence of a contingent event, which was, as they say in their result, till I should more clearly vindicate my innocence before a tribunal having competent powers to compel the attendance of witnesses, and the utterance of all the truth;—meaning of course, my vindication before a civil court, the only tribunal having such powers.

That test I resolved to meet, notwithstanding a deep current of prejudice was strongly set against me, especially in the place where I must be tried, if tried at all. Besides my own consciousness of innocence, I had other encouragement on which I thought I had a right to lean with safe reliance. Mr. Adams, as I have already stated, for some cause or other,—(a cause which this subsequent conduct cannot reputably explain,)—invited me to come hither for trial; and to induce me to come, assured me, through a mutual friend, that if I should vindicate myself as the council had provided in their result, he would open his pulpit to me; and not only this, but would be *the first* to give me this decisive token of ministerial fellowship. The proffer of this inducement was *wholly gratuitous* on his part, as on mine it was *unsolicited* and without *intimation* of a wish on the subject. This proffer was not only unsolicited and gratuitous, but it was also deliberate; for he sent it to me at Exeter as a friendly message, and never afterwards indicated any misgiving by withdrawing the assurance. Indeed, so far from retracting his proffer,

he was careful to confirm it by subsequently reassuring me of his same good will by a second message. Such was the inducement once and again held out to me by Mr. Adams to come to this city, and undergo the mortifying ordeal of a criminal trial—an ordeal from which the full strength of innocence, cannot wholly extract the sting. I own I felt the prompt encouragement so freely proffered by Mr. Adams, and accordingly I accepted, in good faith, the repeated pledge of his word of christian and ministerial honor. It then seemed sincere. In the darkness of that night and the peril of that storm, it cheered my drooping heart. How he has redeemed that pledge, my poor words cannot tell half so well as your own honest reflection on his stealthy and relentless persecution of me, developed in the progress of his trial before the referees,—a course of persecution from the liabilities of which he has sought to screen himself by the suspicious claim of *privilege*, and the no less suspicious plea of *limitation*, feeling unsafe in a manly reliance on the christian power of truth.—But let that pass,—as such pledges, though proved in court, are not actionable by civil law, which has left such matters to the court of conscience and honor, where they of right belong.

There was, however, an offer far more winning to my heart than the blandest persuasives of spontaneous ministerial courtesy; I mean *the solemn promise of the law*—the *sincere invitation of your court of justice, as sealed by the fidelity of two hundred years*. If the alluring pledge of a doctor of divinity could fail me, I did not suspect—I could not dream, that *Massachusetts* would be false to her pristine honor, and break the pledge of all her history. I confess I had full and perfect faith that she would protect *me* by protecting *herself*. Nor do I yet relinquish this confident expectation. I still hope, and still believe, that her highest tribunal will yet vindicate the ancient honor of this Commonwealth, by vindicating the sanctity of its courts from the desecration of clerical supremacy.

Bear in mind, fellow citizens, that mine is a double claim, if, indeed, any thing can add force to the simplest obligation of justice. I came hither in no common way to obtain it, and to secure its permanent benefit. When accused in this State, I was a free citizen of New Hampshire, and under the protection of her unsundered and inviolable sovereignty. No power of civil government on this continent was strong enough to compel me into your jurisdiction. Yet, in this perfect immunity from arrest, I came voluntarily to this Commonwealth and to your honored city, for the express and declared purpose of vindicating my character under the most rigorous scrutiny of your keenest

eyes. And think you, men of Massachusetts,—think you, citizens of Boston, that I surrendered myself as a *gratuity*, or that your court regarded me as such? But the question answers itself. It tells you with an emphasis not to be misunderstood, that I came hither for a substantial benefit—a reliable good, which no clerical club should have power to take from me. I was accused in your court, and I came to rescue my character where it was accused, and to receive the permanent benefit of a just and final verdict,—a verdict not to be contradicted by a knot of clergymen in conclave, to have their contradiction authorized by the same power whose final will declared me innocent. Surely I could dream of no such solecism in law any where, and least of all, in a State whose jurisprudence has so long been the bulwark of the rights of man.

Fellow citizens, I have now given the entire legal opinion of the referees as expressed in their award, with the exception of that part which respects the legal malice of the defendant. I have omitted this as superfluous, since their exculpation of him from that charge is wholly dependent on the question of privilege,—the privilege of doing that which I have shown to have been neither a *duty* nor a *right*. I know not what may be the exact legal definition of malice; but whatever that definition may be, I am persuaded that it cannot, as it ought not to be at war with common sense. Fellow citizens, on that question, and as a matter of common sense, you are as competent a tribunal as any other. You have listened to the narrative of facts spread out before you; do they speak of christian meekness and christian love? Do they speak of any thing but an obstinate resistance to facts, to principle, and to duty—plain facts, plain principle, plain duty both to moral and civil law? I feel that these questions are left safely with you, and that after the narrative which has already been given of the hostile course of Mr. Adams, any additional remarks on this part of the subject would be an unjust reflection on your understanding.

Friends and fellow citizens, in my statements in this address, I have not hesitated to speak plainly of the course of Mr. Adams, the unwearied and unrelenting principal in these transactions. Nay more; I have been compelled so to speak. Am I not right in so speaking? Should I not be false to myself and false to justice not to speak out in such a cause? I have said these things “more in sorrow than in anger;” and I appeal to you whether I am not justified in stating the complicated and unbecoming ways in which, for many—many years, he has sought my earthly ruin, with a perseverance which has never tired, and a vigilance which has never slept? Does Mr. Adams say—does

any one say *for* him, that he was honest in his belief and conscientious in his duty whilst dogging my steps from youth to manhood, from state to state, and from year to year, without respite, and without mitigation of his obstinate purpose? Yes, and what is more—constantly renewing his efforts, and unwilling to desist, even after finding no charge sustained against my moral character in any place—by any person—at any period of my life. What! Shall all this persecution, having all the aspect and all the effect of cruelty, be sheltered under the plea of honesty, the rights of conscience, and the holy love of doing good? Can such a plea avail him in the sight of religion? Shall it satisfy the claims of common sense? What, I pray you, is religion worth—what is man's understanding good for, if both or either of them justifies at all, or does not wholly condemn an obstinacy which defies evidence—an honesty which regards neither the dictates of truth, nor the first and plainest principles of natural justice?

But there is another and a brighter side to the dark picture; and it is both my duty and my pleasure to present, in contrast before you, what must, in a measure, relieve your feelings as well as my own. Whatever unkindness and injury I may have received from the hands of others, I am happy to say here that, in all my troubles, I have had many sympathizing friends in the ministry, and in the church, and in the world, whose kindness I shall never forget. Those clergymen in particular, who have openly and fearlessly stood by me and sustained me in the darkest seasons of prejudice and distrust, are entitled to my warmest thanks. But to no one of them have I greater cause to be thankful than to the venerable Dr. Woods. When I think how firmly and yet mildly he met the opposition of Mr. Adams and others, to his aiding in my installation—how he resolved to do his duty to an injured and persecuted brother, though plainly admonished that it would be at the expense of his well earned reputation—when I remember this, my bosom swells with emotions of gratitude which no words of mine can express. I feel truly grateful also, to all those gentlemen who took part in the services on that occasion, unmoved by the alarming remonstrance penned by the hand of Mr. Adams; but probably no one of them met with opposition from so fearful a source, and so difficult to withstand, as did Dr. Woods. I can only say that I shall carry him and them in grateful remembrance to my grave, as will my children after me.

And there are other clergymen, if my voice could reach their ears, to whom I would render a like tribute of gratitude for recognizing me as a minister of the Gospel in regular standing, by

exchanging pulpits with me, and for recognizing my church as a regular church by recommending their members, as more than twenty have done, to our fellowship and communion.

I feel too, that I owe a debt of gratitude to clergymen irrespective of denomination, who have so often cheered my heart with their unsolicited expressions of sympathy and kindness.

I wish also to express my gratitude to those editors and conductors of the public press, who have kindly aided me by proclaiming to the world that my rights as a citizen—not to say as a clergyman—have been most unjustly invaded, and most wrongfully attempted to be wrested from me. Gentlemen of the press—should any of them be here to-night—from the bottom of my heart, I thank you.

But to none do I—*can* I—ought I to feel so truly grateful, as to those men and women, the members of my church and congregation,—those true-hearted friends who stood steadfastly by me in the midst of my severe trials and persecutions, when summer friends deserted me, and whose confidence in me was then, and still is unshaken and undiminished, and who now feel that those awful disclosures, so confidently predicted as coming out against me in the late trial, have proved to be awful disclosures of the deep laid schemes and disgraceful efforts of my enemies to blast my reputation, and drive me out of my Master's vineyard, and out of the pale of all christian and reputable society.

And now, fellow citizens, permit me to say, in conclusion, that in presenting my case before you, I have endeavored to do my duty; nothing more—nothing less. I have endeavored to do it all along. I have, in no instance, been the aggressor. I have simply acted on the defensive. I felt as much bound to protect my reputation from unjust aspersion, coming from so high a source, as to protect my person and my life from the dagger of the assassin. I felt it an imperious duty to resist, when men of high standing in the community were striving to rob me of that priceless jewel—*a good name*. And I still intend to do my duty according to the best of my ability, notwithstanding my little property has been exhausted, and more than exhausted in the unequal conflict with wealth and power. Having vindicated my character by forcing my accuser to shield himself, not behind the truth of his charges, as he would have done, had there been any valid evidence of their truth, but behind the law of *privilege* to libel and slander me,—having done this, I say, I ought not—I *do* not think much of the loss of my worldly substance. And were it not for a dependent family, and certain obligations justly due, I should not think of it at all. With that help which comes from God's unforeseen providence, and which, though not seen,

the weak are encouraged to rely on, I shall press this matter to the utmost limit which the principles of the Gospel and the laws of my country will allow. Gentlemen standing at the head of the legal profession, have assured me that the record of the association, which I have been seeking to get rescinded, is a *perpetual* libel, and that no statute of limitation can protect its authors or retainers before a judge and jury. I shall not cease my efforts to have that record erased, that the book, which contains it, may tell the truth, and not a lie; a book open to the inspection of every new member, and liable to be cited as authority to the end of time.

But perhaps you will say, why persevere in this unequal conflict with wealth and power? Why not give up the contest, when the odds are so fearfully against you? Why? Because it is my *sacred right* that that false and infamous record be rescinded, and my *sacred duty* never to cease my efforts so long as it remains unrescinded. And in these efforts I shall persevere while life and breath remain; and if I fail, I will leave it, when dying, as a legacy to my children.

Fellow citizens, you have heard my simple story, my plain reasons, and common sense principles, on whose united strength, I rest my hope of your just sentiment and corresponding sympathy in behalf of the cause which, single-handed, and with exhausted funds, I am called to vindicate against the advantages of wealth, of social position, of busy prejudice, of public and private calumny, and of temporary success. But though cast down, I am not forsaken. God has laid the foundations of justice too broad and deep for the utter discouragement of a righteous hope. This night bears witness to the hand of that Providence which reaches, as in the blaze of noon, what, to the purblind eye of man, is wrapped in the deep darkness of midnight. There *is*, indeed, a *spirit* in man, and verily the inspiration of the Almighty *hath* given him *understanding*; and never is that spirit and that understanding so wisely employed as in watching and admiring the developments of his providence according to the established laws of his realm, both of universal matter and universal mind. The laws of our moral being are the laws of God, and, when duly pondered, are marvellous in our eyes.

In accordance with those laws, written on all hearts, the rights which I have here asserted as my own, are *more* than mine. No man's rights are solitary. The claims of justice are isolated to no man. They are not the less *common* because the more *individual*. The golden chain which encircles humanity, if broken any where, is whole no where. If my own special occasion and private need have compelled me to invite your pres-

ence and invoke your aid, it is some relief to this personal humiliation, that *public* as well as private justice speaks through me. I could not consent to be here if my cause or my heart were alone. The wide world would be but a prisoner's cell, which the fullness of the world would make yet more a solitude, if my own claims of justice found no responsive echo from the voice of surrounding humanity. But I *know*, and it is my unspeakable *joy* to know, that I am *not* alone,—that I am compassed by no such desolation. I *see*, I *feel* the evidence that the sentiments I have here uttered, and the principles I have here declared, are *your* sentiments—are *your* principles, and that, therefore, *my* wrongs and *my* griefs, however much my own, are, in a measure, *yours*. Your kind presence, your earnest attention, your visible emotion, all, all tell me of your apprehension for all rights when molested in the person of the humblest individual. Yes, what I witness here this hour gives me perfect knowledge that, great as is your habitual, inbred respect for law, it disappears,—it vanishes,—it turns to hate, when law and justice are antagonists to each other. I freely confess—I cannot withhold the confession, for it leaps from the abundance of my heart—that I *am* moved, *greatly* moved by that prevailing sense of right whose united expression strengthens the principle of right in the heart of every individual, and thus makes it the common strength of all. I am, this moment, more than ever conscious of the might of truth and the majesty of justice, when I thus see them presiding at once, over the convictions of the understanding, and the sympathies of the heart. I feel more than ever overcome, and yet more than ever lifted up, by a sense of his goodness who has fixed in the bosom of human nature, this watchful safeguard of its everlasting necessities. I feel, as present, the upholding hand of Him who teaches, by this lesson of his providence through you, that there is, in all our race, a power to understand and a necessity to approve those eternal principles of justice, without which man cannot be man, nor God himself be God.

Fellow citizens, ladies and gentlemen, friends and strangers! I thank you all,—I thank you more than I can tell—for your patient ear and earnest heart, while I have so long detained you on a subject which has no attraction for you or me, separate from the claims of justice which humanity every where is privileged to respect. In return for all this kindness, I can offer you, in addition to my hearty thanks, nothing but my earnest prayer that prosperity may abide your lot, and that in adversity, should it ever overtake you, you may have the strong support of a clear conscience and an approving God.