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ARGUMENT

OF

HON. EMORY WASHBURN,

BEFORE AN

ECCLESIASTICAL COUNCIL,

CONVENED IN HOLLIS STREET MEETING HOUSE, JULY, 1841: WITH THE CHARGES PREFERRED  
BY THE PROPRIETORS OF SAID MEETING HOUSE AGAINST THE

REV. JOHN PIERPONT,

AND THE

RESULT OF SAID COUNCIL.

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BOSTON:

PRINTED BY SAMUEL N. DICKINSON, NO. 52 WASHINGTON STREET.

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1841.

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## GROUNDS OF COMPLAINT

PREFERRED AGAINST THE REV. JOHN PIERPONT, BY THE PARISH CALLED THE PROPRIETORS OF THE HOLLIS-STREET MEETING HOUSE, TO BE SUBMITTED TO A MUTUAL ECCLESIASTICAL COUNCIL, AS REASONS FOR DISSOLVING HIS CONNEXION WITH SAID PARISH.

*First*, That the Rev. Mr. Pierpont has ceased to be a useful minister of said Parish, and has alienated the affections and lost the respect of a large portion of his people, by reason of his attention having been diverted from the duties of his sacred calling to secular pursuits and popular controversies.

Under this article of complaint, evidence will be offered of Mr. Pierpont's too great devotion of his time to mechanical contrivances, and to the compiling of school-books, and other writings for pecuniary profit. Of his too great devotion to the supposed science of phrenology, by attending meetings of phrenological societies and lectures, and lecturing himself upon the subject in different places. Of his too busy interference with questions of legislation on the subject of prohibiting the sale of ardent spirits; of his too busy interference with questions of legislation on the subject of imprisonment for debt; of his too busy interference with the popular controversy on the subject of the abolition of slavery.

*Second*, That the Rev. John Pierpont has alienated the affections and lost the respect of a large portion of his people by his unkind and excited manner of preaching on the subjects of the

manufacture and sale of ardent spirits, imprisonment for debt, abolition of slavery, and other popular controversies.

*Third,* That after a difference had arisen between the Rev. John Pierpont and many of his parishioners upon some of the subjects above mentioned, he has not pursued a kind or conciliatory course, but on the contrary has continued and conducted the controversy with his said parishioners, in a harsh, contemptuous, vindictive and unchristian spirit, by which the minds and affections of a large portion of his Parish are justly alienated from their minister.

Under this ground of complaint evidence will be offered of the conduct of Mr. Pierpont towards individuals of his Parish, of his remarks in the pulpit and elsewhere, and of his published letters to committees or individuals of his Parish.

*Fourth,* That the Rev. John Pierpont has in his published letters to committees or individuals of his Parish respecting the said controversy, been guilty of great levity, indecorum, and want of reverence for the holy Scriptures, and his own sacred calling, by which he has justly lost the respect and confidence of a great portion of his parish and of the public, and brought a scandal upon his office as a Christian minister.

*Fifth,* That the Rev. John Pierpont has in his pulpit and elsewhere in public, unnecessarily made indelicate statements and allusions, by which his audiences, and more especially the female portion thereof, have been mortified and disgusted, and the confidence of a large portion of his Parish and of the public in the purity of his mind and motives been impaired, and his usefulness greatly diminished.



Under this ground of complaint, evidence will be offered of Mr. Pierpont's having spoken in his pulpit without any necessity or sufficient excuse of the indecent practices of foreign countries, and of his having unnecessarily and indelicately alluded to certain supposed phrenological organs, in one or more lectures delivered by him before a mixed audience of males and females.

*Sixth*, That the Rev. John Pierpont has in his secular dealings been wanting in that scrupulous integrity which is necessary to the respectability and usefulness of a Christian minister.

Under this ground of complaint, evidence will be offered of his breach of engagement, in the following particulars, viz :

Pledging to another the copy-right of a book, which he had engaged with Mr. Wm. B. Fowle not to dispose of, without first offering it to him, not having first offered the same to said Fowle.

Wholly neglecting and omitting (without any justifiable excuse) to furnish Mr. W. W. Clapp, one of his parishioners, with letters from him while in Europe, for publication in the Evening Gazette, he having entered into a written agreement so to do, and having received from said Clapp and negotiated his acceptances for two hundred and fifty dollars, as the consideration for writing said letters.

Communicating and suffering to be made public, and to be publicly sold, a newly-invented steel hone, which Dr. Bemis, the inventor, had intrusted to him for his private use, upon his undertaking that he would not communicate or make known the same.

Claiming as his own, or wilfully permitting the invention of said hone to be publicly attributed to him without contradiction, he well knowing that the same was not invented by himself, but by said Bemis.

*Seventh,* That the Rev. John Pierpont has been wanting in that scrupulous regard for truth which should distinguish a Christian minister.

Under this ground of complaint, evidence will be offered of Mr. Pierpont's having denied expressions and remarks made by him in his sermons, and upon other occasions — and of his having denied the writing of a certain Theatrical Prologue or other compositions written by him.

*Eighth,* That the conduct of the Rev. John Pierpont has not been such in his general demeanor as to promote and secure peace and harmony in his Parish, but on the contrary has been such as to foment divisions and dissatisfactions among them, which can only be allayed by a dissolution of the connexion between him and the Parish.

*Ninth,* That the Rev. John Pierpont has in his preaching and upon other occasions manifested a want of that decorum, gravity, gentleness and discretion, both in matter and in manner, which are essential to the usefulness and respectability of a Christian minister,

(Signed.)

JOSHUA CRANE,  
JOHN D. WILLIAMS,  
DANIEL WELD,  
RICHARDS CHILD,  
WM. W. CLAPP,  
TIM. TILESTON,  
WARREN WHITE,  
RUEL BAKER,

} Committee  
of  
Hollis-Street  
Society.

## DEFENCE.

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MR. MODERATOR AND GENTLEMEN OF THE COUNCIL :

I CANNOT but congratulate you that this protracted examination is drawing to a close. Nothing now remains but to sum up the evidence upon the one side and the other, before the cause will be submitted to you for your final determination.

But in doing this in behalf of my friend, the respondent, I feel, for many reasons, no ordinary degree of embarrassment. I stand in the place of another who addressed you in an earlier stage of these proceedings, and whose distinguished ability you yourselves have witnessed. Not only so, but I stand opposed to two gentlemen whose learning and power have justly raised them to the eminent rank they sustain at one of the first bars in the country.

I stand, too, for the first time before such a tribunal as I am now called on to address, and am alike inexperienced in what is due to the body before which I appear, or the cause which has been intrusted to me.

I see before me a tribunal venerable by historical association, which has survived the separation of civil and ecclesiastical power which once prevailed here, not so much by the aid of the law, as by the force of its own moral strength; and I cannot but reflect how much the future maintenance of our churches and religious institutions depends upon the integrity and the independence of such tribunals as has here convened.

I cannot overlook the character of the parties before you, nor the nature of the charges which you have been called upon to investigate. On the one side are men of wealth and powerful alliance, moving in an elevated rank in life, and commanding a wide circle of influence around them. On the other, a clergyman long and widely known at home and abroad for his literary and religious character. And not only he, but in his fate are involved the wishes, and hopes, and interests of a large body of worshippers, who look to him as their spiritual guide and teacher.

The charges, moreover, upon which you are to pass, involve the moral and religious character of a minister of the gospel, who for more than twenty years has broken at this altar the Bread of Life, and who is by your decision to be restored to his flock, or cut off with censure and disgrace.

If, then, in view of all these, I enter upon the duty before me with misgiving and distrust, you will not ascribe it to any apprehension I may have of the justice of my cause, the integrity or purity of the tribunal, or the final issue to which this Council and the world may

come upon the subject, but to the fear I feel that I may not be able to present this cause in all its true lights and bearings, or may fail to do justice to one who in selecting me as his advocate, has suffered his feelings as a friend to outweigh his judgment as a party.

Before entering upon the examination of the evidence, I wish to express the sense of acknowledgment I feel in behalf of my friend, for the manner in which, though called as an ex-parte Council originally, you have generously proffered your services in adjusting the difficulties existing between these parties, and for the patience, faithfulness, candor and impartiality with which you have performed the irksome and unwelcome duties which have thus devolved upon you.

Attempts have been made by gathering up and repeating here expressions of the respondent in regard to the restraints under which his brethren were placed in their pulpits, to excite prejudices in the minds of the Council — for I cannot see why else the evidence was introduced. But I have no fear that any unguarded expression of that kind, uttered in the ardor of discussion, though carefully treasured up and now brought forward by witnesses, will influence the judgment of a single member of this Board ; for with men of honorable minds, personal feelings will never be suffered to come in conflict with their duty or their self-respect.

I have never for a moment suffered myself to doubt that, if from any cause, feelings other than perfect kindness ever existed in the minds of any of the Council towards either party, they would be laid aside in judg-

ing of the merits of this case, and that the great purposes of truth and justice would alone be regarded.

In that confidence I have gone on, and when the public come to review, as certainly they will, the judgment of this body, I cannot doubt that their result will show that this confidence has not been misplaced.

In pursuing the examination before you, I propose to inquire, 1st, What powers this Council, as an investigating tribunal, possess, and of what charges they may take cognizance; 2d; What the charges are to which the respondent is called to answer, and how far, if at all, these have been sustained by evidence; and 3d, What the duty of the Council is in view of the whole case before them.

By referring to the various decisions of our Courts, in which the powers and duties of ecclesiastical councils have been under consideration, it will be found that the matters cognizable by such bodies, when properly constituted, are of two classes, viz: such as work a forfeiture of office by a minister, and such as authorize a council to interpose between the parties by the way of advice.

Indeed, no council can dissolve the connexion between a people and their pastor. The effect of their result is this: If they find him guilty of such offences as would justify such a dissolution, their finding will be taken as true, and the civil courts will give effect to it by releasing the parish from any further obligation to support such minister. To liken these proceedings to those in civil courts, the "*result*" of a mutual ecclesi-

astical council is to be regarded like the verdict of a jury, upon which the court enter up a judgment, which is binding upon the parties.

In the first class of these offences, viz. such as work a forfeiture of the ministerial relation, are embraced, an essential change of doctrine, a wilful neglect of duty, and immoral or criminal conduct, such as habitual intemperance, lying, unchaste and immodest behavior. In the second of these classes, are included imprudence, folly, censoriousness, a spirit of persecution, and the like. These, though enumerated by the court, are rather, however, put by the way of illustration, than as limiting and defining the precise offences which a council may consider.

It has been much insisted upon by the complainants, during this trial, that regard is only to be had to the rights of the *corporation*, made up of the proprietors of pews, and that none other than those who hold title-deeds to the seats which you now occupy, have a right to be considered when the Council come to make up their result.

If such a narrow, technical rule is to be applied for a moment, it must be only in regard to the first class of offences above enumerated, for, as the pew-owners lay their claims upon the ground that they only are responsible to pay the salary of the clergyman, they can have little to do with what does not go to release them from this liability. Whereas, the second class of offences, as well as the first, affect the feelings and rights of every worshipper here, whether he owns the pew that he occupies, or holds it as the tenant of another.

Both classes of offences have been charged against the respondent, and consequently the Council are bound, if they regard the general rules of law as their guide, to consider the bearing which their result must have upon the great body of the worshippers here, as well as upon those who can produce parchment evidence of their interest in the question.

The parties, however, to this controversy, did not choose to leave to mere legal implication, of what this Council should take cognizance. They have confined themselves and the Council to the "grounds of complaint" of the 27th July, 1840, "as reasons for dissolving" the connexion of Mr. Pierpont with his parish. This agreement, it will be remembered, was framed after much discussion, and many impediments in the way of organizing a council had been removed by its adoption. And by it, both parties must have understood, the Council are to be governed.

The question, therefore, as I understand it, is not whether you shall subject Mr. Pierpont to censure or advice, still suffering him to retain his relation as pastor, but whether these "grounds" and the proofs offered to sustain them, furnish sufficient "reasons for dissolving his connexion with the parish."

These I regard the *legal* rights of my friend, so far as this investigation extends. But I should regret to have it thought that I wished to place the defence upon mere technical ground; and therefore, as the evidence has covered much of the respondent's life, I shall endeavor to go into the subject in its broadest



extent, and to satisfy the Council and the public that, in no sense, has the respondent been obnoxious to the charges that have been fabricated against him.

The object of one party here is to release themselves from a contract, into which they entered with the other party more than twenty years since ; a contract, which, as it is unlimited in its terms, has been held by our courts to be binding upon the parish until the minister shall have done something whereby he has forfeited the right to enforce it. And one obvious reason for such a construction is, that a minister may be left reasonably free to utter his sentiments, without fear that by so doing he shall be sacrificed to the sudden caprice of angry and excited parishioners.

Here, then, the question arises, have the complainants shown enough to justify the dissolution of their contract with Mr. Pierpont, against his consent ?

In regard to the first subdivision of the first class of offences above enumerated, — his doctrines and belief, — nothing has been charged or proved against him ; but in relation to immoral conduct and neglect of duty, they are made the subjects of charge, and an attempt has been made to sustain these charges by proofs.

The charges against the respondent, though spread upon the record under nine different heads, may be considered as of three distinct classes, and in that order I propose to consider them.

*First*, Those affecting his moral integrity, purity, and honesty

*Second*, Those relating to the performance of his ministerial duties ; and

*Third*, Those affecting his temper, manners, and discretion as a minister, comprising his general suitability for the office.

In pursuing this general order, I desire also to have another division regarded, in your inquiries, and that is, in respect to time, — prior and subsequent to 1838. That will be found to be an essential epoch in regard to the events which you are to consider, and out of it grows much that will serve to explain the whole case before you.

One thing I may remark in this early stage of your inquiries, that during the difficulties and agitations in the Parish in 1838, the idea of charging Mr. Pierpont with *a want of moral integrity* was never broached. The members of the committee, who in that year spent three whole evenings in gathering up and discussing with Mr. Pierpont the causes of offence against him, did not then and do not now charge him with a want of purity or of moral integrity. It is since then that the Proprietors have dragged the current of his whole life as with a net, and have spread its entire contents before the Council. Every one, though he be a stranger to these difficulties, has been courted and invited to bring and cast into the cauldron which they have been seething, his own share of bitter herbs, with which to give malignity to the compound. And Dr. Bemis and Mr. Fowle have been ready to obey this call ; but with what success the sequel may determine.

I do not propose to recapitulate the mass of evidence which has been submitted to you. The most I can do will be to refer to it generally, as it bears upon the different charges, to which I will now proceed to call your attention.

The first of these is the charge of *Indelicacy*, of which it is alleged the respondent has been guilty, in his pulpit and elsewhere, to the mortification and disgust of his female hearers.

I notice this charge first, because, if it is true, you need go no further ; the respondent ought not only to be expelled from his pulpit, but to be scouted from all decent society. If there is any one thing that renders a clergyman more unfit for that sacred office than another, it is the want of moral purity. There is something so revolting in the very idea, that the man who comes into our families in the interesting and almost sacred relation of pastor — in seasons of joy and of sorrow ; in the sick chamber and the most private intimacy of unsuspecting confidence — can be impure in thought and indelicate in language, that no man can tolerate it for a moment.

The charge in this case is a grave one. It has been seriously made, but how has it been sustained ?

It rests for its support, principally, upon the testimony of Mr. Crane.

From the testimony of this and other witnesses, it appears, that, *many years ago*, Mr. Pierpont, in a speech that he made at a public meeting in Faneuil Hall, used *one word* in describing a particular class of vices, which,

to the sensitive ear of Mr. Crane, sounded indelicate. And yet that word, which need not be repeated here, is often found in the Bible, and is uttered by every preacher of the gospel, when he reads that book from the sacred desk.

There were, besides this, two sermons testified of by the same witness ; and the one to which Mr. Hay objected more than the other, was that in which Mr. Pierpont, speaking of the state of the Catholic Church in Europe, alluded to the celibacy of the Catholic clergy, in the following language : “ They are the best fed and best clothed of any class, and have passions like other men.”

Here are the offensive words, and I have ventured, even at the charge of indelicacy myself, to repeat them, though I see around me an audience, which I know embraces as refined and delicate minds as can be found in this or any other city ; and I will venture to ask, wherein consists the indelicacy charged ? Was this an improper subject to allude to ? If so, what is to become of the Dudleian Lectures in the venerable halls of Harvard, as well as every day’s discussion, in literary and religious circles, of the merits of the Catholic Church and its institutions ?

In regard to the other sermon, it appears that he alluded, in the course of it, to his having been upon the same spot where Paul had stood in Corinth, and as he contemplated the ruins of that proud city, he naturally reverted to its former splendor, and the causes of its decline and ruin. He ascribed it to its luxury and its

vices, and in describing the extent to which these were carried in the days of its prosperity, he cited from a commentator on the Epistle to the Corinthians, or as Mr. Hay says, stated, "it is narrated," that the favors of a single celebrated courtesan were rewarded by an immense sum in gold.

This may have been an unfortunate illustration. But every scholar knows that the extent to which vice was carried in Corinth made her infamous even in a corrupt age. And is it wonderful, that as the picture of that city rose in his mind, and he stood in imagination among its crumbled monuments of art, its broken columns and ruined temples, he should have referred back to the vice and profligacy that had wrought out this destruction? "To the pure every thing is pure," and in the unconscious purity of his own mind, he never dreamed that a simple historical illustration like that, could raise the idea of indelicacy in the prurient imagination of any one.

Has he been impure, or has his preaching or intercourse with his people lowered the standard of moral purity in his society? The witnesses who have been called by the complainants themselves, have answered this question. Mr. Hay, Mr. Smith, and Deacon Bass, one and all, deny it unqualifiedly, and do justice to the respondent in this respect.

And how has it been regarded by his people? No man ever whispered a complaint on the subject to Mr. Pierpont. At the earlier meetings of committees, when every charge was brought forward that was then

known, not an allusion to this was made. The offence, if it ever took place, must have happened soon or immediately after his return from Europe, in 1836; and yet the first time that it is charged, is in April, 1840. True delicacy is something that shrinks, instinctively, at what is coarse, or vulgar, or indecent. It does not require three years' brooding over an expression, in order to determine whether it has been offended by it or not.

There is yet another test by which to determine the truth of this charge. This Council need not be told, that there is in Hollis-Street Society, as much female delicacy, purity, and sensibility, as in any that can be named; and in this, let it be understood, I mean to embrace the wives and daughters of the opponents of Mr. Pierpont. Whatever may be thought of the assumed delicacy of some of the witnesses, there has not been a word to implicate the entire delicacy and purity of those with whom they are connected. And yet what female ever left this society on account of Mr. Pierpont's preaching? Mr. Everett was desirous of leaving, while his wife chose to remain. The wife of Mr. Crane continued to attend here, even against his wishes, after he had ceased to be willing himself to listen to the respondent; and though there are many female proprietors of pews here, there is not one of them who is now opposed to him in this controversy. Can the Proprietors have seen in what situation they place themselves, by bringing forward this charge? Are they willing, in order to carry out their feelings of

hostility against Mr. Pierpont, to try to bring reproach on their own wives and daughters?

Fortunately for them, they have failed; but the spirit which prompted a charge so cruel and so pitiful, ought to meet with the rebuke of every pure-minded and honest man.

But there is one other part of this charge which ought not to be entirely passed over, especially since the Proprietors have attempted to support it by evidence, and that is, his allusion "to certain supposed phrenological organs, in one or more lectures," &c.

This charge, too, is of a modern date, although the offence must have occurred some years since. It has been testified, that Mr. Pierpont, pursuant to a public notice, gave a lecture on phrenology in Quincy, and that, in alluding to the organs which have their locality in the back part of the head and neck, remarked that "they all knew the difference there was between the shape of the necks" of two animals which he named, and that "that was all he need to say on the subject."

Now here, he was delivering a scientific lecture, and spoke of a scientific fact; and could he have done so in less objectionable terms? If one were to attend a lecture on anatomy, would he charge the lecturer with violating the rules of decency, for merely speaking of the human body?

And so far from being, like the Proprietors of Hollis-Street Church, shocked at this violation of propriety, the very people who heard that lecture, have repeated-

ly employed Mr. Pierpont to lecture since, before their Lyceum, where they with their neighbors and families unreservedly mingle together.

Such is the evidence on which this charge of indelicacy rests; and I should feel that I was wasting your time if I dwelt any longer on so groundless, although so malignant an imputation against the respondent.

The next charge to which I wish to call your attention, is that affecting the character of the respondent for *Veracity*.

The Proprietors have set forth as specifications under this general charge, that he has "denied expressions and remarks made by him in his sermons, and upon other occasions;" but not only have they failed to prove this — they have not even, that I can recall, offered any evidence in regard to it.

They have, however, under the general license given them by the Council to offer proofs to sustain their general charges, undertaken to show, from the correspondence between Mr. Pierpont and themselves, which has been published by his permission and approbation, that he has made a false statement in relation to his willingness and offer to refer the difficulties between them to a mutual council, and also in stating that they rejected this offer.

Before proceeding to examine the evidence on this point, I may be indulged in the remark, that it would be somewhat singular, if, while his enemies were leaving no stone unturned to find matter of accusation against him, he not only should have put into their hands a



statement which was false, but that he should have published the same, and with it, the very documents by which its falsehood could be at once established. And the presumption would naturally arise in the mind of any candid man, that there must be some error, to say the least, in the construction which the papers ought to receive, if such is the apparent meaning of the language there used.

Now the facts in regard to this matter, as they appear from the printed documents, in connexion with Mr. Boyd's testimony, are these. In one of Mr. Pierpont's letters, he states that his zeal in the Temperance cause was "the head and front of his offending." The Proprietors by their vote denied this; and on the 7th of October, 1839, Mr. Pierpont in a letter to them states that that is the true issue between them, and proposes to refer the trial of that issue to a mutual council. At the same time that he wrote this letter, he wrote and put into Mr. Boyd's hands the form of certain votes to be presented, at the same time with the letter, to the Proprietors, for them to act upon, embracing, among other propositions, a mutual council to decide, "whether by reason of any thing that he has done or left undone, in relation to that cause (Temperance) or any other cause, the connexion between him and his society ought to be dissolved. And if for any cause whatever that connexion ought to be dissolved, what are the terms and conditions upon which a dissolution shall take place."

This was referred to a committee of the Proprietors, who reported against the proposition of "choosing a council," "there being, in our opinion, nothing for such a tribunal to settle." This took place on the 14th of October; and without any final action upon either proposition, the meeting was adjourned. In the mean time, a minority of the committee, who were friendly to Mr. Pierpont, addressed to him a communication, in which, among other things, they say: "Had the society consented to adopt your suggestion, *that of submitting all the matters of grievance to a mutual council*, you could then have had an opportunity of meeting those or any other charges in a customary manner; but as the majority of the committee advise against any council, it is to be supposed their advice will prevail." And in the result, the proposal was never accepted. Now I understand the matter charged against Mr. Pierpont as false, is in his communication to the minority of the committee, of October 22, 1839, (page 44 of the printed documents,) and in his remonstrance against the proceeding of an *exparte* council, (page 4,) and is as follows: "In my first letter in reply to your doings in relation to me, which letter is of date September 16, I tendered you an issue as to the main-spring or moving cause of your annual proceedings against me. In reply to that letter, viz: in the preamble to your votes at your meeting, September 30, you distinctly take that issue. In my second letter, dated October 7, I demand a mutual council to try that issue and to settle all matters in controversy between us.

Appended to that letter, and offered for your consideration immediately after it, by Mr. James Boyd, at my request, were the preamble and votes, of which he gives the copy."

In the latter of these documents, he says: "A year ago last October, at their meeting on the 7th of that month, I tendered to the Proprietors of Hollis-Street Meeting House a mutual council, 'whose decision should be conclusive, final, and forever binding upon both parties,' among other matters, upon these two points, namely," then reciting the two votes offered by Mr. Boyd, already stated above, and adds "this proposal was rejected." The falsehood is now understood to consist, according to the Proprietors' construction, in saying that in his letter by Mr. Boyd, he demanded a mutual council "to settle all matters in controversy;" in saying that the "preamble and votes" were "appended to that letter;" and in saying that he tendered a proposal for a mutual council, in the form embraced in the votes offered by Mr. Boyd, and that "this proposal was rejected."

Who can read this correspondence without feeling that every word therein contained is in substance and spirit true? It is not pretended that the paper on which the votes were written was actually united with the letter by a needle and thread, nor that the whole of the proposition was in the letter. But both papers were made at one and the same time, they related to one and the same matter, and were to be acted upon at one and the same meeting; they were handed to Mr.

Boyd at the same time, and offered to the Proprietors together. What but the most downright hypercriticism could torture the statement of this transaction, as given by Mr. Pierpont, into a misrepresentation? It was never intended to be any thing more than a general summary of the transactions between them, and as such it is manifestly a true one. But it is said, that he affirms that the "proposal was rejected," when in fact no such vote was ever passed. In technical nicety this may be so; but in regard to a proposition like this, to common minds, the fact of the Proprietors not having accepted would justify the assertion, that it had been rejected. Such was the construction put by Mr. Pierpont on these several papers and transactions; and he is willing to appeal to the common sense of candid minds, if for this he can be chargeable with a want of truth.

It has been pretended that Mr. Pierpont has been guilty of disingenuousness, or want of truth, in regard to the reading of notices from his pulpit, because, after having said he would read none until they had been submitted to the standing committee, he violated his engagement. The facts, as they have come out in evidence, are these. His pulpit had become a sort of *advertising post*, and he wished to remedy this evil. On one occasion he declined reading a paper that had been offered to him, and it was suspected and understood to be a Colonization notice, though no one saw it, nor has any person complained that it was not read. He at the same time stated that all such notices would thereafter

be submitted to the committee for approbation. About six months after this, a notice for an Abolition meeting was handed to him, and he gave it to the sexton to show to the committee. Two only were present. On presenting it to Mr. Everett, he declined deciding upon it, saying that "he might do as he pleased;" but Mr. Parker objected to its being read. The sexton returned with the paper to Mr. Pierpont; but which of these messages was communicated to him cannot be shown. Mr. Pierpont thereupon proceeded to read the notice. But when the next notice for a similar meeting was submitted to the committee, they decided against its being read, and in this he acquiesced. After this, another notice was refused by them, which led to a discussion between the committee and the individual, Mr. Jackson, who had requested it to be read; and from that time the committee gave the pastor to understand that they should act no more upon the subject.

From these facts, which is the fairest to infer, — that in reading the notice which he did, he acted from the report of the sexton from Mr. Everett, that "he might do as he pleased," or from Mr. Parker, that it should not be read? If he had made up his mind to read it notwithstanding the objections of the committee, would he have submitted it at all? or if he disregarded their wishes to this extent, would he have yielded, when to the next application they returned a negative answer?

Did he in fact ever read one notice that he did not submit to the committee? or did he ever read one notice that he did not suppose they had assented to?

Must not a cause be a desperate one which requires the resort to a matter like this to find its support ?

In tracing along the line of these charges, the next in order, under the allegation of a want of "scrupulous regard for truth," is, "his having denied the writing of a certain Theatrical Prologue, written by him."

Whoever was the author of that prologue, it should be borne in mind, that it was written many years since, at the opening of the Tremont Theatre, when public sentiment in regard to such amusements was different from what it is now. The time was, that clergymen themselves did not feel reproach for even attending theatrical performances. But the charge is not for *writing*, but for *denying the authorship* after having written it.

The inconsistency of this charge with the others that are brought against Mr. Pierpont, must be apparent: while in one part of these criminations he is represented as too bold, too independent of the world's opinion, disregarding alike the wishes of his friends and the laws of prudence, in thinking and uttering his thoughts, in this he is charged with skulking from the light, and cowardly denying his own act!

There are, of course, two questions to be determined under this charge: 1st, Did he write the prologue? for if he did not, he had a right to deny it; and 2nd, Did he deny it? for if he did not, it is of no consequence whether he wrote it or not.

In regard to the first question, you have only to imagine the same confidence to have existed between Mr.

Pierpont and the real author, that there was between him and Mr. Buckingham, in order to reach an explanation of every thing he did. He was under no obligation to disclose whether he was or was not the author. I do not mean to claim the license for which Dr. Johnson and Dr. Paley have been quoted, that an author may deny the truth in relation to the authorship of a production, if he wishes this to be concealed; there is no occasion to raise such a question of casuistry in this case. What is the evidence that he was the author, or that he denied it? Mr. Sprague testified that he said to him soon after the prize had been awarded, "it is said you are the author;" to which Mr. P. replied, "I have not written two lines of heroic verse these two years." Now, unless this was false, the charge wholly fails. And Mr. Sprague says that he "considered that, as an author, he was disposed to evade the inquiry." And certainly he might properly do this, if he did not thereby state what was not true.

But it is said he ought to have disclosed whether he was the author or not, because imputations had been cast by others upon the committee for having awarded the prize as they did. A mere denial of the authorship could not have relieved the committee; and besides, if he wished or was bound to keep this a secret, how could his right to do so be taken away by the unjustifiable acts or declarations of strangers towards the committee?

It is certainly somewhat remarkable that an occurrence of some fifteen years ago, between strangers to the present controversy, should be revived by the Pro-

prietors of Hollis-Street Meeting House, to aid them in prosecuting their own *recent personal* griefs. I know not who was the author of that prologue, but the evidence in the case raises the most satisfactory probability that it was not the respondent.

It is manifest that whoever wrote it, wished to keep its authorship concealed, and of course would, so far as his own acts went, do nothing from which this could be ascertained. This will apply as well to Mr. Pierpont, if he had been the author, as to any other person. And yet we find him going to Mr. Buckingham before the prologue had been offered, stating to him that such an one might be offered, and asking him if he might be trusted with it as a confidential friend; and accordingly, soon after that a letter and the prologue were sent, both in Mr. Pierpont's own hand-writing, which was familiar to the committee to whom it was to be submitted, and one of whom had for years been an inmate in his family. The prologue gained the prize, and the money was paid over through Mr. Buckingham's hands to Mr. Pierpont, as the one to whom it was understood by him it should be paid, if it should prove successful.

The hand-writing of the production satisfied Mr. Bailey that Mr. Pierpont was the author, and he so expressed the opinion to Mr. Sprague. And yet, is it to be conceived that if Mr. Pierpont was the author, and chose to keep the fact concealed, he would have presented the paper with every thing but his own name upon it to mark it as his own?

He must have done this to aid a friend, and having



his friend's secret to keep, he had too much honor to disclose it.

One thing *is true*, and I repeat it here before the very altar where Mr. Pierpont has so long ministered, whoever was the author of that production, *every word that Mr. Pierpont has ever uttered in relation to its authorship, was sacredly true in spirit and in letter.* And here I will leave the charge.

I will now ask you to turn to the matter of the *Steel Hone*. The evidence in regard to this seems to have been designed to embrace two specifications; one that he had been guilty of a breach of confidence towards Dr. Bemis, in disclosing the existence of such an invention, and the other, that he "*wilfully* permitted himself to be regarded as the inventor."

The whole charge rests upon two witnesses — Mr. Babbit and Dr. Bemis, inasmuch as the Proprietors have not seen fit to call Mr. Sproat, to whom Mr. Pierpont lent his hone in 1829 or 30, and by whom, without Mr. Pierpont's knowledge, it was shown to Mr. Babbit. Mr. Babbit merely stated that he first saw the instrument in Mr. Sproat's hands, in Taunton, in 1829 or 30, that he made fourteen of them, without the knowledge of Mr. P., for his neighbors, that in 1831 Mr. P. called with a friend at his shop in Taunton, saw one of his hones, and asked him to make him one, which he did, and was paid for so doing by Mr. P., that after that time Mr. P., having discovered a better kind of paste to use upon the hone, communicated it to Mr. Babbit, who in 1832 made some of the hones, with the newly-invented

paste, and placed them in Mr. Ashton's store for sale, and that Mr. Pierpont had never the slightest pecuniary interest or benefit whatever in the manufacture or sale of the hones.

So far, therefore, as a breach of confidence was concerned, the case rests entirely on Dr. Bemis; and, unfortunately for the respondent, that witness has fixed the times when these confidential communications are said to have been had, at periods when no other person was present, and much of the pretended confidence is said to have been communicated through Deacon Brown, who is dead. And the Council cannot fail, in this connexion, to observe how much of the evidence in this case against Mr. Pierpont depends upon witnesses long since dead, and papers and letters which have, accidentally, been lost.

It ought to be understood, that so far as any confidence is pretended between Mr. Pierpont and Dr. Bemis, the respondent denies the slightest knowledge of it. How does Dr. Bemis sustain this charge? He says, that in 1821, now *twenty* years ago, he had a conversation with Mr. Pierpont in relation to this hone, which he had invented in 1811, and kept secret until about that time, when it became known to Deacon Brown; that Mr. Pierpont desired permission to make one of these for a dressing-case, which he was then fitting up; that he gave him permission to make one, told him he could go to a Mr. Davis's and purchase a file, and, by annealing it, he could work off the rough parts of the file, and it would then answer his purpose;

that soon after this, — a few days or a few weeks, he thinks, — Mr. Pierpont called and showed him a cylindrical razor-strop, into which he had inserted the hone. The razor-strop was of his own invention, and he, Dr. Bemis, had heard of its being in use before. These are the only two conversations he had with Mr. Pierpont, and he admits there was nothing at the time to fix in his mind the language used by either party. He states, however, that he expressed to the respondent his wish that the hone should be kept a secret, because he meant to take out a patent for it, as soon as his health and business permitted. This is the substance of his testimony, as I now am able to recall it. Every thing here depends upon the accuracy of Dr. Bemis; a slight error as to the original conversations, might change the character of the transaction. Is his statement entitled to implicit confidence? Although he affected to testify from written memoranda, is he not mistaken several years in his time? Mr. Wells, the manufacturer of the cylindrical razor-strops, has testified that the first he ever made or knew of being made, was as late as 1824. Dr. Bemis says the reason why he wanted the invention kept a secret was, that he meant to take out a patent for it. Is that true? If so, why did he not take one? He had made the invention, as he says, in 1811, and no one knew of it till 1821. Mr. Pierpont had regarded it of so little consequence, that he never happened to speak of it or to exhibit his strop, with this hone in it, for aught that appears, for nearly ten years more, and yet Dr. Bemis

never, during this period, took any measures to obtain the patent. In 1832, Dr. Bemis was apprized that Mr. Babbit was manufacturing these hones, and was told by Mr. Ashton, that Mr. Pierpont was the inventor. Why, if there had been this betraying of confidence, did he not then take measures to secure his invention by letters-patent? If his discovery had been fraudulently betrayed, he could still have protected his rights in regard to it, as well as before. But he has never, from that day to this, done aught towards taking out a patent for his invention. He gives, as a reason for this, that he has been waiting for Mr. Pierpont to make an explanation; and though he has often met him, he has never asked of him the explanation he desired. So far from it, he says that after seeing the hones at Ashton's, he sent word to Mr. Pierpont, by Deacon Brown, that if he, Mr. Pierpont, would attend to making out the specifications for a patent, he would share with him the profits they would make, which he thought might have been at least several thousand dollars.

Would Dr. Bemis, if he regarded himself the author of a valuable invention, which had been stolen from him by treachery and fraud, have gone to the man who had betrayed him, and offered to divide the profits of the invention with him? would he have lain by in silence ten years more, and taken no step to protect his legal rights, to wait for an explanation from one who had used him thus falsely?

The truth is, in 1831, the steel hone, if it ever was

a secret, had ceased to be one. Mr. Pierpont, if he had ever considered it as made known to him in confidence, must have felt as much absolved from all obligation to regard it so any longer, as he would the secret of a friend that he was engaged to be married, after the engagement had been performed, and he had reared up a family of children.

The witnesses all state that any metal will answer the purposes of a hone, with the aid of the paste that is used upon it ; but the advantage of steel is, that it may be made lighter, stiffer, and more portable than other metals. Steel had been used by Mr. Babbit for polishing, grinding, and sharpening graters for twenty-five years. Mr. Boyden of Foxboro' had made or used steel hones for sharpening razors before 1820, and had received his information how to manufacture them from another, who himself had made and used them.

In January, 1831, the Journal of the Franklin Institute, published in this country, contained a full description of a steel hone, which had been in use for years in England.

Thirteen years ago, Mr. Dixon thinks, he saw them in use in England, and he has bills of his own importations of the article for sale, at least ten years old, and Mr. Willard imported them for sale in 1831.

Here, then, before Mr. Pierpont ever heard that Mr. Babbit had seen his hone, steel hones were in use all around him, were openly advertised and sold in the hardware shops in Boston, and there was nothing that could have been protected in respect to them ; and yet

he is charged with having injured Dr. Bemis by having betrayed a secret.

Where men are charged with crimes, we look to see what motive can have impelled them to the act, before we are ready to presume them guilty. And what motive could have induced Mr. Pierpont to deceive and defraud Dr. Bemis? He had no hostile feelings towards him. He never received a cent for the disclosure, and the disclosure itself was made to a stranger, who was not even his neighbor.

But the ground of the Proprietors seems to have been shifted upon the introduction of the respondent's testimony, and it has been said, that, though steel hones had thus been in public use, they were *hardened* steel, while those of Dr. Bemis were softened or annealed.

In the first place, it does not appear whether the first lot imported by Mr. Dixon were or were not of hardened steel. They were used with paste, in the same manner that Bemis's was used. But it is proved that Mr. Boyden made and used steel hones, both hard and soft, and with, as well as without paste.

Nor is it true, that Dr. Bemis has ever claimed the invention of *soft* steel hones, in distinction from *hard* ones. It is true, he told Mr. Pierpont that he might make a hone out of a file by *annealing* it, so that he *could work it*. But he says, "I considered the invention the *use of steel*, with such paste as you may choose." "I had not known a *steel base* used till then; I had used copper when a boy." "It is the

paste that does the sharpening. It was my object *to find a base.*" "It is the paste that operates, for the instrument does not touch the *base*. I regard *steel* the best."

Through all his testimony he laid claim to the invention of a *steel base*, in its broadest sense, without any distinction as to its being soft or hard. And it has been proved beyond contradiction, that in 1831, there could have been no pretence to regard this as anybody's secret.

Which on the whole is the most credible, that Mr. Pierpont *without motive* should have falsely and fraudulently cheated Dr. Bemis out of a valuable secret, by going to a stranger and disclosing it to him, or that Dr. Bemis, under influences which we need not trace, has misrepresented, or has been mistaken? What is character worth, and why do we cherish it as beyond price, unless it shall weigh in a case like this?

Are not the life and character of such a man as the respondent, to weigh more in the scale of credit, than the recollections of one who, to aid his enemies, goes back twenty years, to hunt up some word or sentence, which may, by possibility, be forced into an impeachment of his honesty and his honor?

As to the second part of this charge, that Mr. Pierpont wilfully permitted himself to be regarded as the inventor, it is not only not proved, but it is utterly disproved. The hone never was advertised as Mr. Pierpont's invention. He never knew that Mr. Ashton, or any body else, ascribed it to him. So far from it, even

Dr. Bemis admits that Mr. Babbit stated to him, that Mr. Pierpont said he did not invent it, but derived his first knowledge of it from Dr Bemis, through Deacon Brown.

The whole matter would be too frivolous thus to be noticed, if upon it the Proprietors had not sought to rest their charge of "a want of integrity," as well as of good faith, and if the respondent had not felt that it was altogether unfounded.

The next specification to which the attention of the Council is directed, is that relative to the pretended pledging of the copy-right of a book, in which Mr. Fowle was interested.

The charge is in these words: "Pledging to another the copy-right of a book which he had engaged with Mr. W. B. Fowle not *to dispose of*, without first offering it to him, not having first offered the same to said Fowle."

It appeared in evidence, that the "American Class Book" was compiled by Mr. Pierpont, Mr. Fowle offering him for the work, to be published in the name of Mr. Pierpont as author, the sum of five hundred dollars. It was published in 1823, and Mr. Fowle took out the copy-right in his own name, as "proprietor," which, as the law then stood, would expire in fourteen years, viz. in 1837.

In 1827, Mr. Pierpont compiled a new school book, called the "National Reader," and although four years of the copy-right of the Class Book had expired, feeling a partiality for his first work, he proposed to



Mr. Fowle to exchange, by giving him one half of the copy-right of the last, for one half of that of the first, to which he assented, and a contract was accordingly made. By this contract, neither party was to dispose of his half of either copy-right, without having first offered it to the other, at the price at which he could sell it for. They did not themselves publish either of these works, but sold the right to publish, for a certain number of years, to publishers at certain rates of compensation. In 1830, they made a joint contract with Richardson, Lord, & Holbrook, for publishing the Class Book up to 1837, when the term of the copy-right expired, and in the same year made a similar contract, with the same firm, for publishing the Reader up to 1841, when it will be remembered the copy-right for that work also expired. By the terms of these contracts, each of the parties was to be paid his own equal share of the sum to be annually received for the right of publishing these books, by separate notes for the amount. The only pledging of either of these rights, which has been proved, was to Messrs. Fairbanks, Loring, & Co. in regard to which the following facts appeared. This firm had been induced to loan to a brother of the respondent, and a person by the name of Tole, upon their notes, endorsed or signed by the respondent, something over three thousand dollars, and they had also loaned to the same brother and Tole, upon a note signed by them and another brother, another sum of one thousand dollars, but for this, the respondent was in no wise holden. The enterprise upon

which the brother had entered, and for which this money was wanted, was the manufacture of screws. In 1833, the respondent, to secure the payment of the notes for which he was holden, voluntarily made over to Fairbanks, Loring, & Company, by contract, a right to receive his share of the proceeds of the contracts above mentioned, with Richardson, Lord, &c., and, the year following, after it had been ascertained that the enterprise had failed, and the parties to the other note were unable to pay it, the respondent, believing that Fairbanks, Loring, & Co. had made the loan in consequence of the confidence they felt in the makers of the note because he had originally introduced them, came forward of his own accord, and made himself liable for its payment, by signing the note, and pledged the copy-right of another book, to secure its payment.

Under these circumstances, the respondent is charged with acting dishonorably towards Mr. Fowle, for having thus endeavored to sustain his honor, in his dealings with Fairbanks, Loring, & Co. But had it been an actual pledge of *the copy-right itself*, he had a perfect right to do so, without thereby violating the contract he had made with Fowle. This position has been fully settled by our Supreme Court, in the case of *Loving vs. Fogg*, (18 Pick. 542,) to which I will refer the Council. In fact, however, he never undertook to pledge the copy-right, and as to the contract with R. L. & H., he neither could, nor did he attempt to, make over any more than his half of it. He merely

gave F. L. & Co. an authority to receive his share of the proceeds of that contract, as they fell due, an authority, by the way, which they never exercised, for they suffered Mr. Pierpont to manage the whole business, and received their pay through his hands. So far, therefore, as any pledge of a copy-right is concerned, the charge falls to the ground.

But as the ruling of the Council as to the introduction of evidence, has opened the defendant's life to examination, whether the charges have been specified or not, Mr. Fowle has been permitted to spread whatever causes of complaint he has against Mr. Pierpont, and he has availed himself of it, by presenting himself twice before them, the last time, with a view of explaining his former testimony, after it had become necessary, by the testimony offered on the other side, though with what success he has done this, I shall leave to the Council to judge.

Mr. Fowle at first complained that Mr. Pierpont, in 1836, disposed of his half of the right to publish the Class Book, for a term of years, to a publisher, without having consulted with Mr. Fowle, whereby he was left at the mercy of the publisher, as to the price which he himself should demand for his own half. Had it been the case that Mr. Pierpont disposed of his half of the right to publish, before Mr. Fowle had done so, it is not easy to see why the publisher would not be as much at the mercy of Mr. Fowle, as he was at that of the publisher. Neither could publish without the consent of the other, and the man who had paid a large sum for half the right, would be but indifferently situated to coerce his co-proprietor as to terms.

Be that, however, as it may, it is denied that any such contract was made by Mr. Pierpont, or that Mr. Fowle was ever injured a cent by any contract ever made by the respondent.

The right to publish, acquired by Richardson, Lord, & Holbrook, had become the property of Mr. Bowen, in December, 1835, through Carter & Hendee, to whom it passed from R. L. & H. In January, 1836, while Mr. Pierpont was in Europe, Mr. Fowle made a contract in regard to his half of the copy-right with Mr. Bowen, covering the Class Book, from Dec. 8, 1835, to June 22, 1837, and the Reader, from the same date in December, to 1841, the respective limits of the copy-right to these books.

In October 1836, Mr. Pierpont made a similar contract with Mr. Bowen, in regard to his half of these works, covering the time from December 8, 1835, till the expiration of five years.

In his attempted explanation of his first statement, that the sale to Bowen was first made by Mr. P., Mr. Fowle states that this contract was a mere compounding of the former contract made with R. L. & H., by receiving gross sums instead of annual payments. If so, then he cannot complain that Mr. Pierpont, afterwards, compounded in the same manner. But he does complain that Mr. Pierpont, as to the Class Book, by extending his contract five years, covered a time of nearly three years longer, than his own contract had done, and by thus anticipating him, and by setting up a claim to the reversion of the copy-right, after the

expiration of the first term of fourteen years, prevented his making as good a contract with Mr. Bowen, for the term after 1837, as he otherwise could have done.

Now as to making a contract with Mr. Bowen, it has been proved by Mr. Williams, himself a party to it, that so far from its being less advantageous than it otherwise would have been, it was actually upon as favorable terms as that with Mr. Pierpont, more favorable, if any thing, than that of January 1836, and in no way affected, as to price, by the claim made by the respondent to own the whole reversionary interest in the copy-right.

But perhaps, with the feelings of Mr. Fowle, a fairer statement ought not to have been expected. He has shown himself willing to swell the tide against the respondent, by obtruding his own private disputes upon your attention, and crowns his effort here, by calling for, and reading his own private letter to Mr. Pierpont, in which he denounces him as a pirate, as well as by other kindred epithets, because he has ventured to claim the rights which he believes the law secures to him, and for which he does not believe Mr. Fowle has ever paid a cent.

What right of Mr. Fowle, I would ask, did Mr. Pierpont violate, by making a contract embracing a period after the expiration of the copy-right? At most, he only disposed of but half, when, in fact, he might have lawfully disposed of the whole right to publish these books. This claim of Mr. Pierpont to be the owner of the whole copy-right, after the expiration of the first

term, was known to Mr. Fowle before 1836, and has been the subject of discussion between them ever since, and it was that a stranger might not be misled, that Mr. P. directed his legal counsel to apprise Mr. Bowen of the claim that he made.

Such was Mr. Pierpont's claim then, and such it is now, under the advice of able and judicious counsel. He has again and again offered to refer the question between him and Mr. Fowle, to the decision of Judge Story, or referees competent to determine it. But Mr. Fowle has objected to submitting it as a question of law, and talks of *Equity*, while abusing Mr. Pierpont in no measured terms. It may be well to inquire into this matter of equity, although it is difficult to see why Mr. Fowle has brought the question before this Council, unless it is to forestall an opinion while he can be a witness in his own favor. What is the equity? Mr. Pierpont makes a book, Mr. Fowle pays him for this, and the use of his name and literary reputation, five hundred dollars. Without a dollar's outlay, of which we have heard, he receives more dollars every year for the right of publishing this book, than he paid for the work itself. The "Reader" proves a more profitable work, in fact, than the Class Book. He enjoys these, the fruits of another's labor and talents and reputation, for fourteen years, and by his own showing, thereby realizes from seven to ten thousand dollars, and now comes forward to complain of Mr. Pierpont, for having, as the author, sought to protect what he regards as his legal rights to his own property, for the benefit

of his wife and children. Nay more, he has sold one half the copy-right since it became, as Mr. Pierpont believes, his exclusive property, for the term of five years, for which he has realized more than fifteen hundred dollars, and now charges the man to whom he is indebted for all this, with *a want of integrity in his dealings!*

I have read of a hard master "reaping where he had not sowed, and gathering where he had not strowed," but I never heard a servant charged before with a *want of integrity* for not continuing to sow and scatter for such a master.

The legal right is believed to be with Mr. Pierpont. It is a question of law. Let it go to the Courts to be settled, and let them declare Mr. Pierpont wrong in his law, before this Council shall condemn him for a want of integrity in his dealings, for entertaining an honest opinion as to his legal rights, based upon the language of the statute and the counsel of his legal adviser.

But it may be said that as a clergyman, it is improper for the respondent to rely upon his legal rights, or attempt to enforce them. Let this be tried by a homely illustration. A minister of the gospel leases one half his house to a tenant for fourteen years. At the end of the period, however, the tenant claims the premises as his own, and refuses to surrender possession. What shall the owner do? — may he safely tell the intruder that the house is his own, and he means to resort to the law to recover its possession? Or is a cler-

gyman such an outlaw, that every harpy may prey upon him with impunity, because he can only complain at the peril of losing his parish and his reputation, by a decree of a council of churches ?

I now pass to another part of this charge of a want of "scrupulous integrity" "in his secular dealings," which relates to the alleged contract with Mr. Clapp. The specification is, "wholly neglecting and omitting, *without justifiable cause*, to furnish W. W. Clapp with letters" &c. "he having entered into a written agreement so to do, and having received" &c. "the consideration for writing said letters." Plainly implying, it will be perceived, that Mr. Pierpont had received money of Mr. Clapp, which he never repaid.

How have the facts turned out upon investigation in relation to this charge ?

That Mr. Pierpont received the sum of two hundred and fifty dollars of Mr. Clapp, is not denied ; that both parties expected that for this Mr. Pierpont would write letters from Europe, for Mr. Clapp's paper, is not controverted. But that both parties regarded it as uncertain whether this could be done, and if not done, that it was understood the money should be returned, the written contract between them itself shows. Mr. Pierpont had been extremely sick, he was about to take a voyage for the restoration of his health, he knew nothing of the difficulty of writing letters for the press, while making a hasty tour in a foreign country. And all this was known to Mr. Clapp, who was willing to advance this sum of money on these contin-



gences, as expressed in the contract — viz. “ If less than that (fifty letters) shall be written during my absence, or if I shall return before two hundred and fifty dollars are exhausted, then I am to repay to him (Clapp) the amount of such deficiency, *after my return.*” This money was advanced to Mr. Pierpont by two drafts which he got discounted, each for one hundred and twenty-five dollars, dated October 3, one on three, and the other on six months’ time.

Now in truth, before his return, before the first of these drafts fell due, Mr. Pierpont, finding he could not write as he had undertaken to do, remitted the amount of both drafts to Mr. Clapp, in a letter of the 25th December, from Rome, which was received by Mr. Clapp early in March, and the money was at once made use of by him.

One would have supposed that by such a repayment, and by the acceptance of the money, the contract would be cancelled. But it is said Mr. P. neglected to write *without justifiable cause!*

So far as probabilities are to be considered, who would be ready to believe that a poor clergyman, pressed as Mr. P. was for money, as stated by Mr. Clapp himself, if he had physical power to pay a debt by his pen, would, instead of that, repay it in money, when by so doing, he was failing to keep his promise with his *then* friend? So far from this being the case, it has not only been proved that Mr. Pierpont could not write the letters, but that the whole matter was ful-

ly explained to Mr. Clapp, in the letter of December 25, enclosing the remittance.

He knew that he was sick before he left home. Mr. Tappan, who furnished him the means of remitting the amount due to Mr. Clapp, was with him in Rome, and has stated his condition as to health, and his inability to write while there. Mr. Clapp admits that Mr. Pierpont stated the reasons why he did not write, and from the extracts from that letter published in his paper, some of these reasons appear. It appears there, that he had been sick in Marseilles eleven days, but Mr. Clapp is not certain that he gave as a reason for not writing, his *then* ill health. Why does not Mr. Clapp produce that letter? He says it is mislaid, and has been lost within four or five months, although upon it rested the proof as to this very charge, and by it, if at all, Mr. Clapp was to repel the charge of falsehood which he supposes Mr. Pierpont made against him in one of the printed letters to the committee of the Proprietors.

That letter may be lost, but *how*, or *why*, is a mystery which the Council is left to solve.

Mr. Clapp has said in his testimony, that Mr. Pierpont in his letter said something about a "*cordonsanitaire*," and it has been tried to show that while Mr. Pierpont was in Europe, no *cordonsanitaire* was maintained.

Let us see that letter, instead of this kind of recollection of its contents, and you may rest assured that its statements would all prove true.

It was stated, too, by Mr. Clapp, that Mr. Pierpont, in his letter, stated that on his return he would adjust the balance of interest, which he had never done.

Now I have computed that balance, and I find it to be *seventy-five cents*; and unless Mr. Clapp is willing to allow any thing for the long letter of December 25th, a considerable part of which he published, or for another communication from the same pen, published since that time, there is that amount due, for which Mr. Clapp has his legal remedy, but for which this Council cannot render judgment.

It has, however, been attempted to be shown, that Mr. Pierpont actually wrote home letters to his wife and children, and therefore he might and ought to have written for Mr. Clapp's paper. These letters were written from Asia Minor and other places, long after the money had been returned to Mr. Clapp and the contract had been ended. But even if they had not been, is this Council to be asked to disgrace a minister for having, while abroad, found time and opportunity to write home to his wife, instead of employing this time in writing letters for a newspaper? One thing is true: Mr. Pierpont never sold his talents to another; and one single piece of poetry, written in February, and published in the Knickerbocker, is the only production of his pen that ever found its way into print, with the exception of the long and interesting letter to Mr. Clapp, which he himself published.

Is this an honest charge? Has Mr. Clapp acted like a man, in taking back his money before it was

due, and then complaining in Mr. Pierpont's absence, and while he knew the reasons why he could not write, that "he had deceived him?" Was it manly, when the wife of Mr. Pierpont, — who had again and again been to him to endeavor to satisfy him that some good reason must exist why no letter had been received, — went to him after he had received the letter of the 25th of December, to give her to understand that her husband was not going to write the letters as he had agreed, without the slightest intimation that the money had been repaid, or any good reason given for failing to furnish these letters?

I may not, if I would, appeal to the wives who are before me, for their judgment of such conduct; but I appeal to this Council, what must have been the feelings of a wife, to whom a husband's honor is dearer than her life, who should thus be left, till the very hour of his return, to learn from his own declaration, for the first time, that he had not broken his word or been base to his friend? A man who can do as Mr. Clapp has done, in regard to the whole of this transaction, is welcome to all the honor and satisfaction he can derive in coming forward, by his own oath, to endeavor to crush the man to whom he once pretended to be a friend.

These are the charges affecting the moral integrity of my client. They have never been heard of in the history of this controversy, till his opposers have gone out into the highways and byways to bring in those who have had hardihood enough to act as his accusers.

And do not such charges and such proofs give a character to the whole of these proceedings against the respondent?

Akin to the charge of crime, and scarcely lower in the scale of morals, is that of *Ingratitude*. It was not formally specified in any of these charges; but the Proprietors have introduced proof, that soon after the return of Mr. Pierpont from Europe, many of his then friends, including some that are now opposed to him, contributed liberally to relieve him from pecuniary embarrassment.

He had been the minister of the parish for seventeen years, during which time the society had never been taxed a dollar extra for the supply of the pulpit. By advice and consent of the society, he had been absent most of the year, had incurred heavy expenses, had returned in health to his people, and they nobly and generously stepped forward to aid him by pecuniary relief—and no one more so than one venerable gentleman whom he now saw among his opposers. But come what may, the generosity and kindness that he had then experienced, can never be forgotten. It has sunk deep into his heart, and the recollection of it will be grateful, even if the worst purposes of his enemies should now be accomplished. He knew that this could never have been given as hush money, or with a view to trammel him in the free exercise of his opinions, even though from the manner in which it has been introduced here, one might almost infer it was thought he had violated some implied pledge by the

course he had pursued. (Here the Proprietors' counsel expressly disclaimed any such intention — it was offered, they said, to show the harmony that prevailed at that time in the society.) I thank the gentlemen for their explanation, though I could not have done them the injustice to suppose they could have offered him this money from other motives than those of friendship and respect.

We have now reached the second general division of the charges, which relate to the *manner* in which Mr. Pierpont has performed his ministerial duties. He is said to have neglected these, by reason of his attention having been diverted to “secular pursuits and popular controversies.” Among these a *too great* devotion of time to mechanical contrivances is first named.

What are the proper limits of a clergyman's sphere of duty? May he not employ his leisure hours in relaxation, suited to his taste and health? If his taste leads him to indulge in historical researches, may he not gratify it, even by giving the result of his labors to the public? Or if he feels an interest in literary or theological discussions, may he not contribute of his pen to the periodicals of the day? If he has a taste or genius for the fine arts, may he not gratify these? May he not play a piano, or listen to its music, if his wife or daughter plays it? If his taste and genius are directed towards the mechanic arts, may he not indulge even these, if, at the same time, he is securing his health by bodily exercise? May he not saw the

wood for his own fire, or fashion a stove to burn it in? And may he not even go so far, and yet be innocent, as to devise a strop for setting an edge upon the razor with which he trims his beard?

You may call this trifling, but how can a charge like this be treated otherwise? When, I would ask, did even mechanical *labor* cease to be an honorable, a fitting employment for a preacher of the Gospel? How was it of old? — Paul wrought at the craft of a tent-maker at Corinth, and our Saviour was himself a carpenter.

The next of these “secular pursuits” I shall notice, is that of “compiling school books.”

This charge must strike the mind of every one with some surprise, when it is remembered that from the earliest history of our Commonwealth, ministers have, by *law*, been charged with the care and supervision of our schools; and when it is remembered, too, how much of the usefulness of our common schools depends upon the class books which are used in them. It appears that for several years, Mr. Pierpont was a member of the School Committee of this city, to his appointment to which office it does not appear that any in his society were then opposed. His attention was thereby called to the defective character of the school books then in use, and to remedy this he prepared one or more reading books which have met with universal approbation. And now, is this to be charged as an offence? Is the cause of education to be hereafter interdicted to our clergy? Who shall superintend

the moral and intellectual culture of the young, if they may not? While there is a spirit awakened in the land upon this momentous subject, shall a man, by becoming a minister, cease to have a right to feel and act in the cause?

The schools throughout the country have been deeply indebted to Mr. Pierpont, for what he has done for them, in this very behalf, and is he now to be held up to censure for having lent his aid to the great cause of education?

*Phrenology* stands next in the category of offences. And what is involved in the charge? Although it is alluded to in the complaint as a "supposed science," yet, even in that light, it is difficult to conceive wherein lies the respondent's fault. It treats of the powers and functions of the human mind, and seeks by a new analysis of these, to furnish a more simple and rational system by which to study and understand its phenomena and its laws.

Will it be said that a minister may not interest himself to study and understand the discoveries that are made in science? Is the science of the mind — the immortal principle in man, foreign from a minister's duty? Is not the soul to be educated and trained for another life, and is it unworthy of a minister to study how this can best be done?

Try phrenology by its effects upon those who have pursued it the furthest, and how will its tendency be found? Go ask the stranger, when he visits the beautiful spot where the dead rest so sweetly amidst the



shades of Mount Auburn, why he pauses to pay the homage of respect to that simple monument on which the eye rests among the first that it sees on entering that spot. And he will tell you that in distant lands, or on the furthest confines of our own vast continent, he has heard the name and learned to respect the virtues of that pioneer in this science who sleeps beneath that marble.

If we take but a single branch of this science, its connexion with the phenomena of that most dreadful of all maladies — insanity — who, at this day, will deny to phrenology the dignity of a place among kindred sciences, or in view of its developements will say, that it is unbecoming a religious teacher to examine into and present to the minds of others, its facts and its laws?

Imprisonment for debt and abolition of slavery are the only remaining items in this general charge except one to which I shall have occasion to call your attention in another part of my remarks.

I do not now propose to consider the conduct of Mr. Pierpont upon these subjects *as a minister*, as that must form another part of this case, and therefore only speak in this connexion of what he has done, out of his pulpit, as a citizen.

That as a citizen he has endeavored to ameliorate the laws in regard to poor debtors is not denied, and in this he was but a little in advance of public sentiment. That, as we all know, has undergone such a change

that imprisonment for debt, as a system, is wellnigh abolished.

As a citizen, he may have spoken against slavery, but of this, however, there has been no proof. But suppose he has spoken against both imprisonment of poor debtors, and slavery, is he for that reason to be condemned and cast out as a minister? Does a man by becoming a watchman over human beings cease to be a man, or to have a right to indulge in human sympathies?

Here I will leave these charges, and will inquire, even if Mr. Pierpont has done all that is here set down against him, where is the proof of one duty neglected, one trust violated?

The attempt, to prove this has most signally failed. They have gone over his ministerial life, of more than twenty-one years, and what have they found?

Mr. Crane undertook to tell of a supposed neglect some eighteen years ago — but he became soon after satisfied with Mr. Pierpont's course, and for years was one of his strongest friends and warmest admirers. He has told us of the complaint of his aged mother-in-law of Mr. Pierpont's neglect to visit her, and it turned out that on one occasion, when Mr. Crane was treasurer of the parish, Mr. Pierpont and his wife called at his door in the evening to see him, and not finding him at home, did not call upon the mother, who resided in his family.

On the other hand, Mr. Everett frankly admitted that he was perfectly satisfied on this ground, and Mr. Hay,

with a frankness and honorable candor which characterized his whole testimony, told you there was no cause of complaint against Mr. P. for a neglect of his parochial duties. In this he was sustained by Mr. Smith; and Mr. Tileston alone had furnished any ground of complaint, and that was for a supposed neglect to visit his aged mother.

In regard to this, it appeared that she lived with her daughter, whose family did not attend Mr. Pierpont's preaching, and she herself, by reason of her infirmities, had not attended meeting for many years, before her death in 1835. He had never been invited to her house that he did not go, and it was proved that on several occasions during the time covered by the complaint, he visited her, and that in every instance of domestic affliction which came to his knowledge, he sought her out, though a part of the time in a remote part of the city, and carried consolation to her in her sorrow.

The faithfulness of Mr. Pierpont as a parochial minister has been almost wholly proved by the witnesses on the other side. Mr. Bradlee knew of no charge against him on this account, and Deacon Bass unqualifiedly bore testimony to his faithfulness as a minister, and his kind and courteous demeanor in his parochial intercourse with his people. Even to the poor, it has been proved by Deacon May, he has been so uniformly attentive, that not one of them has ever complained of a single neglect, and as an illustration of his attention to this class of the people under his charge, you have heard it stated that in one case he visited an individual

as many as sixty times during a protracted sickness of three years.

If we trace through his whole ministry, what scene of joy or sorrow do we find in which he failed to sympathize with his people? what marriage or baptism, what sick bed or dying couch, what funeral or mourning circle, did he ever neglect? What poor man did he ever fail to visit, or what prisoner to minister unto?

And how many clergymen, in our whole land, are there, who, through a ministration of twenty-one years, could escape with so few complaints, or feel a consciousness that they had more faithfully done their duty?

Although both the *subjects* and manner of Mr. Pierpont's sermons, have been together made the ground of complaint, I propose to consider these distinct from each other. And in regard to the *subjects* which are charged as objectionable, they are stated to be — the manufacture and sale of ardent spirits — imprisonment for debt — abolition of slavery, and other popular controversies.

So far as the first is concerned, it has been testified by the witnesses on both sides, that with the exception of one sermon preached many years ago, he has never preached a sermon on Temperance from his pulpit. He may have alluded to it, but so far from this being a cause of complaint, had a stranger heard the testimony of Mr. Crane when detailing the causes and grounds of dissatisfaction in this society, he could hardly have conjectured that Mr. Pierpont had himself ever heard of the subject of the sale of ardent

spirits, much less that he had ever given offence by his exertions in the cause.

It has been proved that he has preached *one* sermon on imprisonment for debt, some twenty years ago, and the facts which led to it, have themselves been testified of. In the cold season of the year, he was called to officiate at the funeral of one of his parishioners, who had died in child-bed. He found assembled around her coffin, seven children, thinly and poorly clad, the eldest about fifteen years, and the youngest an infant, and these all daughters. He looked around upon the cheerless walls of the chamber where they had assembled, and he asked for the father of that group, and the husband of that dead mother; and was told that he was in jail — in jail for debt, — and that his creditor, though appealed to to release him long enough to close the eyes of his dying wife, refused, unless the debt could first be paid.

In view of this scene, he did preach against a law that could tolerate such barbarity in a Christian land; and though the creditor was his own parishioner, he would have been unworthy of the title of a Christian minister, if he could have held his peace. If cruelty and oppression like this may not be alluded to — if laws so barbarous in their operation may not be spoken of in the pulpit, half the mission of our Saviour may be defeated, and the purposes of his gospel be set at nought.

We all remember what the law then was, and the world (our own Commonwealth among the rest) has

kept pace with the doctrines that Mr. Pierpont then dared to advocate. He has never denied his agency for the relief of poor debtors; but a more just and enlightened system of laws has rendered it unnecessary for him ever again to offend his enemies by such an effort in the cause of humanity.

Much as has been said on the subject in the course of this trial, he has never been *personal* in his remarks from the pulpit. That the application of these remarks was understood by his hearers, may have been true. But it was because it was known to them that the abuse complained of, existed.

And is a minister to be interdicted from preaching against vice or cruelty or oppression, because his remarks may touch some member of his society? What is preaching good for, if it can only bear on vices that we never witness, and sins which we are never tempted to commit?

Upon the principle contended for on the side of the Proprietors, no minister can censure any vices whatever, unless it be those which are too remote to be worthy of notice. If he attacks a vice, of which one or two only of his parishioners are guilty, he is condemned as being personal. If he waits till it becomes general, and there are many who indulge in it, he may no longer attack it, lest he be charged with being excited, and be sacrificed for indiscretion in giving cause for offence, and making disturbance in his society. You cannot draw a line without either hedging in the pulpit by arbitrary rules, or leaving it free to the honest judgment of the preacher.

*Abolition.* It appears that Mr. Pierpont has preached one sermon, after the "Alton affair," as it has been called, in 1837, which gave offence. That sermon is before the public, printed as it was delivered, and the public have long since had an opportunity to judge of its merits or demerits. Whether our sympathies are with the Abolitionists or not, who will say that the subject of slavery is one that must never be referred to in the pulpit? Where else can you find an evil, moral or political, so dangerous in its tendencies as that of slavery? There is not a candid slaveholder at the south, who will not tell you that the evils of slavery, in a national point of view, to say nothing of its moral tendencies, are incalculably great. And while ecclesiastical bodies, legislatures, and every body else, are at liberty to discuss this topic, shall it be said that no pulpit in Boston must dare do it?

But lay aside the connexion which that affair had with the existence of slavery, and there was enough in it to call forth the voice of the pulpit, if it dared to be free — a man shot down in the streets by a mob for daring to defend the freedom of his own press, and the sanctity of his own premises. And yet it is gravely charged against Mr. Pierpont, that in alluding to these outrages he was *excited* in his manner. And doubtless it was so: the man who could then speak of them with coolness and indifference, scarcely deserved the name of a man; his sympathies must have been dead; every generous feeling within him must have been as torpid as a slave dealer's conscience.

There was no danger of being personal, for no one in his society was interested in slave property or labor, and the scene of the outrage was far distant. He was maintaining a great principle, and even Mr. Crane, though offended at first, was satisfied after an interview, that his purposes were right, and the ends he aimed at were honest and pure.

One other sermon, of which you have heard much during this trial, which Mr. Pierpont delivered in January, 1839, entitled "Moral Rule of Political Action," seems to have been the cause of much dissension among certain of his hearers. Unfortunately for those who complain, this sermon was printed and published precisely as it was delivered, and it is now before the Council to judge, for themselves, if it contained any legitimate cause of offence. Mr. Crane heard but the first half of it, and has never heard or read a word of it besides, and so sensitive was he, that, from that moment, he became the irreconcilable enemy of Mr. Pierpont. But who else has complained of it? Mr. Bradlee, who heard the latter half of it, says he was not dissatisfied with it. No man from that day to this has seen cause to criticise or condemn its sentiments or its language, though it has been before the public eye for at least two years. I beg the Council to read it and to see whether it was the fault of the sermon, or the jealousy of the hearer, that caused the sensation which it seems to have produced in one or more minds.

It treats of the duties which a citizen, as a moral agent, owes to his country; and are these, too, to be



excluded from the Pulpit in Hollis street! Mr. Hay tells us he does not come to church to get his religion, but to be made better. And will not minds like his gladly receive instruction as to their social and civil relations in life? If the doctrine now apparently contended for by the Proprietors is to prevail, what will there be left for the minister of Hollis-Street Meeting House, upon which he can preach? If he may not touch upon prevailing vices, nor allude to national evils, nor speak to his people of their duties as citizens, he must illustrate that perfection as a minister, of which the anecdote is sometimes told, when one man, having claimed great merit in his own minister in not preaching politics, was answered by the boast of another, that his minister never troubled his hearers about politics or religion either.

Will you condemn a minister because he cannot suit the taste of *every* man in his congregation?

I trust you will not be misled by the title of this sermon. It was not preached to influence any election. If it had been published while Mr. Crane was a candidate for the legislature, his suspicions, though unfounded, might have been pardoned. But it was a mere didactic essay upon the connexion between moral and political duties, and was delivered in the Winter after the election of Mr. Crane had been made sure. And the whole difficulty seems to have grown out of his extreme sensitiveness lest Mr. Pierpont had said, or was going to say something which would trench upon his own independence as a legislator. He tells us he had sat

week after week, watching Mr. Pierpont in his pulpit, and fearing he would say something that would offend his enemies — and this seems to have been the first time he had detected him in fault.

He ascribes his offence at this sermon, to the supposed violation which Mr. Pierpont thereby made, of what Mr. Crane is pleased to call a *pledge*, when, in his printed letters, Mr. Pierpont says: “if therefore, I have entered too earnestly, or too exclusively into a few topics,” &c., “I shall faithfully endeavor to recall all undue attention from the former topics,” &c. Clearly, it must have been this watchful jealousy, and not the subject nor the matter of the sermon, which caused this excitement in the mind of Mr. Crane — an excitement that he would not suffer to be allayed by any interview with Mr. Pierpont, but seems to have fanned and kept alive unmitigated, to this hour.

If the opponents of Mr. Pierpont would accord to him a tithe of the same independence of opinion towards his people as a preacher, which they as members of his society claim to exercise towards the pulpit, there never would have been complaint against him, either on the ground of the subjects, or the matter of his sermons.

But to return to the evidence on this point. It thus seems that in the course of twenty years, the respondent has preached three sermons, the subjects of which were objectionable to portions of his hearers. No one, however, except Mr. Crane, ever left the society on account of them, and it is questionable even in his

case how far that was the moving cause of his irreconcilable disaffection.

With a parish like that of Hollis Street, made up of independent minds, who, as we have seen, are in the habit of thinking and speaking for themselves, is it not remarkable that so few grounds of complaint on this subject should be found to exist? Does it not speak volumes in favor of the general character of his ministrations? What minister is there, who has dared to utter his own sentiments from his own pulpit, who has escaped with fewer complaints than those which have been proved to exist against the Pastor of Hollis Street? This Council need not be told of the difficulties under which a minister must labor in attempting to conform to the tastes and opinions of his hearers. Some ask him to preach on a particular subject, as was the case when Mr. Pierpont was requested to give his views of Mr. Parker's sermon, and for so doing others are offended. If he selects subjects of local and present interest, he is "personal" or "excited." While, if for peace he avoids these, he grows "philosophical," and ceases to be interesting.

Those who go back to the days of Dr. West or Mr. Holley, to fix a criterion by which to test the preaching of Mr. Pierpont, forget the changes through which the public mind has been passing during the last thirty years. The human mind has been struggling to be free, and on the subject of religious opinions it is more free. Men are more enlightened, in many respects, than they then were, and the past is not the best test of what the present demands.

Look through the testimony in this case, and then say if Mr. Pierpont has ever selected a topic more exciting, more unbecoming a Christian minister, than "*Righteousness, temperance, and the judgment to come.*" And shall he be condemned because some rich and lordly Felix has trembled at the exciting truths which he has uttered?

Is a minister to be made a senseless and irresponsible automaton, to be moved like a piece of mechanism? Or must he employ his time in traversing his parish to ascertain what will *not* excite or displease them? Was it by such a priesthood and such a ministration, that the gospel was first propagated in direct warfare with the prejudices, the vices, and the passions of the pagan world? Was it by such preaching, that Luther awakened Europe with the trumpet-call of the Reformation? Or was it by such means, that Robinson gathered his church in the days of persecution and danger, to become the Mother of the independent churches of New England?

May, I repeat, may all the world, besides, feel and speak upon the great questions of morals that are agitating the public mind, and the clergy alone be forbid to do this? Where upon this principle would one at least of their brethren whose name need not be repeated, for it is familiar on both sides of the Atlantic, find himself placed by such a decision? Where would now have been the cause of "Liberal Christianity," if such a doctrine as this had heretofore prevailed? And will the representatives of these churches publish

to the world that they are ready to condemn their own brethren, for daring to utter *truth* too boldly and fearlessly?

Try this principle by its consequences. Either a minister must be free, or his people have a right to *dictate* what he may or may not preach. If the people have a *right* to dictate, the minister is bound in *duty* to obey. If he may not therefore allude to imprisonment for debt, because Col. Baker, as he said, thinks it a good law, or the connexion between moral and political duties, because Mr. Crane thinks it an improper interference, or Abolition, because Mr. Bass feels that his relatives at the south are thereby affected, or Temperance, because some dozen or more of his hearers may be affected in their business, why may not Mr. Redmond, another of the Proprietors, on the same ground, object to his preaching a future state of rewards and punishments, because, as he told you, he did not himself believe such a state existed?

Pause, and see where your decision will lead, before you sanction doctrines and consequences like these.

It is alleged against Mr. Pierpont, that his *manner of preaching* is excited, that it wants decorum, gravity, gentleness and discretion.

It is admitted that he is an eloquent man, a bold and earnest preacher, and who does not know that zeal, ardor and excitability are essential ingredients of eloquence? — God has joined them together and they cannot be put asunder.

But was not this all known when he was settled, and

is it not too late now to urge these considerations as a cause for dissolving a contract made with such a knowledge? Has he changed in this respect by becoming more excitable? Does not the evidence, if it shows any thing, tend rather to prove the contrary? Mr. Crane has given us to understand that at times Mr. Pierpont has kept back the full expression of his own feelings and opinions, because his people "could not bear them yet." Both Mr. Hay and Deacon Bass say that he is less *evangelical* than they should wish, and is more *philosophical* than formerly. What is to be understood by these terms is not exactly defined, but in the common acceptance of the word "*philosophical*," one would suppose that it must imply the opposite of excitement — a calm and dispassionate manner.

Nor can it escape the observation of this Council, that, whether a manner *seems* excited or otherwise, depends much upon the state of mind of the observer. If he sympathizes with the speaker, he grows unconscious even if he is ardent, while if he is opposed to him in his feelings, the manner of the speaker may seem even angry, when no such feeling actually exists in his mind.

Are you prepared to condemn and expel Mr. Pierpont from his pulpit, for the manner in which he has presented his subjects to his people? What is to be the *standard* of zeal and excitability? Several of this Council have presented their views upon questions that have arisen during this trial, and though each has been clear, earnest and sincere in the expression of his

opinions, no two have done it in the same manner. Where shall we find the standard and whose manner may be followed, that of Peter or of John, that of Luther or that of Melancthon?

If the respondent is to be condemned on this charge, it must be because he has violated some rule of morals or rhetoric, and it is due to him and his people that they should know, from the result in this case, the extent as well as the nature of his offence.

One circumstance has been testified of, which ought to be noticed in this connexion. It is said that his manner to the strangers who attended worship at this house, the sabbath after his return from Europe, was not courteous. Mr. Crane says he said, "if they came from curiosity, he pitied them." Mr. Weld says he said, "he saw a great many strangers — they would be disappointed, he had nothing to say." Now how was the fact? He had returned from a long absence, he had expected to meet his friends alone, and had neither time nor disposition to prepare such a discourse as would gratify the curious ears of strangers, and he frankly stated so, expressing his regret that they must be disappointed. A grave charge, surely, to urge now as a cause for his removal!

A charge, too, is brought against Mr. Pierpont, on the ground of his "general demeanor." Here, too, we have no standard by which to try the respondent. Is it not true that new additions have been regularly and almost constantly made to his society and his church? And is not the fact that such a large proportion of his

society have adhered to him through all the trying scenes in which he has been placed, and that too with an unfaltering confidence and affection, enough to show how groundless are the vague generalities of this charge?

There is another subject to which I ought to allude, although it has been a matter of surprise how it is before you at all, and that is the prayer offered by Mr. P. at the funeral of Mrs. Stewart. He came here prepared to meet every charge that could have existed against him, when the paper of July 1840 was drawn up, but he could not have anticipated, while proving *those charges*, that evidence would be offered of acts or declarations which arose during the following year. He has not therefore attempted to offer a word of testimony on the subject, or even to cross-examine the witness by whom it was proved. The prayer has been described — some were pleased while others were dissatisfied with its language. That there had existed an unhappy state of feeling between the father and daughter, appears from the testimony put in on the other side, and the respondent has forborne to strip the veil from the private history of that family, which has thus been in part lifted before the public eye, or to say how far, in what he did, he followed the dying request of one by whose remains he was then standing.

But I would ask, if, where the only child of a man of princely fortune had been suffered to die at a tavern, and during a long and painful sickness, that father had visited her but twice, a minister who knew it all,



might not be pardoned if, in uttering the deep emotions of his heart, he did say “ I thank thee, heavenly Father, that thou didst not forsake her ? ”

Here, then, we have gone through with the substance of these various charges, and if the evidence has struck the minds of the Council as it has mine, you will say that not one of them all has been sustained.

And yet it is not to be denied that difficulties exist, and dissensions have arisen in this society, which to some seem irreconcilable.

If you seek for a cause for these, it will be found in the evidence that is before you. . . Whatever may have been the heart-burnings, the feelings of coldness towards Mr. Pierpont at any time, they had all ceased — every thing had been reconciled, and he might have been the undisturbed occupant of the Hollis-Street pulpit, if it had not been for the war which the manufacturers and venders of ardent spirit began against him in 1833. Here may be found the true origin of the present difficulties. And as we trace them in the order of events, we shall find that from his first movements in the cause of temperance in 1833, to this hour, those engaged in the traffic in alcohol have been steadily and constantly at work to expel him from this pulpit — fanning every other cause of jealousy as it arose, and adding every new strength they could command, to the physical power which they have been exerting to accomplish this purpose.

The attempt has been made on the part of some of the Proprietors, through the whole of this controversy,

to keep the agency of the distillers and venders of ardent spirit out of sight. But the attempt has failed.

We were told in one part of the trial, that dissatisfaction with Mr. Pierpont, built up Mr. Mott's church. But when the facts were inquired into, so far from any hostility existing towards him on the part of that society, when the corner-stone of the church was laid, he was called on to make the address. When the body of the church communicants was organized, he was called on to officiate, and at the dedication of the house and the ordination of their minister, Mr. Pierpont took an active and an interesting part.

In tracing the facts which throw light upon the true origin and cause of the difficulties in Hollis-Street society, dates become important.

In 1835, the society was, with a few exceptions, in great harmony — a small minority existed, but even that was merged in the general regard for their pastor, and all united that year in aiding Mr. Pierpont to make his visit to Europe.

When he returned, in August 1836, all crowded to welcome him back to his pulpit, and the united congregation seem to have joined in the sentiments of that beautiful Original Hymn, which was then sung, and which has been read in your hearing. Even his former and his present enemies vied with his friends and with each other, in manifesting their regard to him, by gifts and acts of kindness.

The "Alton sermon," in December 1837, gave offence to a few, but an explanation followed, a reconciliation was effected, and harmony continued through

1837 — not a vote had been passed against him, nor had a person that we have heard of, seceded from his society since his return from Europe.

In April, 1838, the "License Law," so called, was passed by the Legislature, and the memorial signed by some fifteen thousand petitioners, in answer to which that law was made, was the production of Mr. Pierpont's pen.

What followed? Those whose business was affected by the law were aroused, and Mr. Pierpont was made the object of their uncompromising hostility. In fact, it was the revival of an old war.

In 1833, Mr. Pierpont made a speech at Saratoga, on the subject of Temperance, which was falsely reported, and gave great offence to members of his society. On his return to his people, he publicly and repeatedly denied having used the offensive expression ascribed to him. But, notwithstanding this, Winsor Fay, a distiller, and a pew proprietor, but not a worshipper here, moved at the annual meeting of the parish, in September of that year, to reduce Mr. Pierpont's salary \$500. The motion, however, was lost, and nothing more is seen of this feeling until 1833.

Then, just before the annual meeting in September, we find Mr. Atkins, a dealer in ardent spirit, giving notice to a friend, that they were going to "turn out" Mr. Pierpont, because "he had taken up this Temperance business, and undertaken to legislate for them, and they were determined to oust him." Accordingly, at that meeting, Moses Williams, also a dealer — who had not been a worshipper here, nor even a resident in

the city for many years, though a pew owner, prepared a set of votes, which he handed to Mr. Weld, another dealer, who, obviously, for the sake of appearance, employed Mr. Crane, who was not engaged in the traffic, to offer them to the meeting. This office Mr. Crane performed, and the votes are before you ; and, as you examine them, you will find that they complain of Mr. Pierpont, not for neglect of parochial duties — nor for pursuing mechanical contrivances, nor for lecturing on phrenology — nor for want of purity, honesty or integrity — but “ interfering with the established laws of the land ” — “ the alteration of old and the adoption of new laws.” Can any mind be at a loss to understand what is here intended — what new law is meant ?

A committee was raised upon the subject of these complaints, *without opposition* from any quarter, an explanation between them and Mr. Pierpont was had, and his reply of September 20, 1838, which has been printed, was made, which satisfied both Mr. Crane, Mr. Hay, and others, and every thing seemed to promise peace on the part of all except the traffickers in ardent spirit — every one of whom, except one, resisted the conciliatory report which was then made by that committee and accepted by the parish.

In the winter of 1838–9, the sermon on the “ Moral Rule of Political Action ” was preached, and gave offence to Mr. Crane, for seeming to dictate to him, as he thought, as to his duty as a legislator. He charged Mr. Pierpont with thereby violating the sup-

posed pledge embraced in his letter of September, though others did not so regard it, nor was it so in fact; but he was at once received into the opposition to Mr. Pierpont, and in February of that year, two who were and one who had been a distiller, purchased three pews, for the manifest purpose of thereby commanding votes, since one of the purchasers never had been in any manner connected with this society, but was to all intents a stranger in this controversy.

Things thus remained, so far as any open and visible action was concerned, until September 1839. In the mean time, Mr. Pierpont had, *for more than a year*, forborne altogether from lecturing on the subject of Temperance, or doing any thing which could offend the most sensitive of the dealers in ardent spirit. But not one of them had forgotten or forgiven his transgression. Nothing short of his abandoning his pulpit could satisfy them. His friend, Mr. Boyd, procured a meeting to be held of some of the leading opponents of Mr. Pierpont, with himself and some of his friends, to see what could be done in regard to these difficulties.

Of the six now opposed to Mr. Pierpont, who were present on that occasion, four were or had been engaged in the traffic in spirits; while Mr. Smith, one of the remaining two, says he was "but a listener" there. Mr. Smith, though called on the other side, has, with that frankness and honesty with which he has throughout testified in this case, told us what took place at that meeting at Mr. Everett's. "They tried to per-

suade him to alter his course as to lecturing abroad on Temperance." Mr. Everett says, "it was proposed to guaranty his salary to him one year, if he would quit his pulpit;" and "it was understood that the subject was to be brought up at the next meeting," which was in fact, to be the next day.

The meeting at Mr. Everett's, did not result in any conciliation. Mr. Pierpont would neither pledge, nor sell himself — the wealth of all the distillers in Christendom could not buy him; and the next day the war was again openly declared against him.

Mr. Fay made the first motion, but gave way to Mr. Weld, who, in the preamble and vote that he offered, alludes to the discussion by Mr. Pierpont of "certain exciting topics." It is true they are not named, but no one can be at a loss to understand what topics were meant; and the action proposed was, that the connexion between him and his society should be dissolved.

His opponents were not willing that the subject of their difficulties should be referred to a council — they thought they could remove him by the mere force of numbers, and rejected the proposal for such a reference. This was at the meeting of the 14th October; but at the meeting of Nov. 11, 1839, the report of the Committee insisting upon the dismissal of Mr. Pierpont was rejected by a vote of 69 to 59, and the freedom of the pulpit was sustained by a vote of 67 to 5.

What then was done? — did the minority yield? — was the principle now so strenuously contended for by Mr. Hay and others carried out into practice? So far

from it, the *money power* of the opposition was put in requisition in buying up votes, not in the form of men, but in that of pews — a thing more consonant to the usages of an English hustings than of a Boston church of Christians. And, as we shall see, this money power was all directed by the interests of the traffickers in ardent spirit.

Winsor Fay a distiller, but not a worshipper, had acquired three pews, one in February, one in September, and one in October. Jona. Minott, a stranger, and a distiller, had purchased one in February. Jabez Fisher, lately, but not then, a distiller, had purchased one at the same time. Daniel Weld, a dealer, had acquired one in September. And William C., a son of Winsor Fay, himself a distiller, had purchased two in October. But as these *eight* pews did not command a majority of the votes, after the November meeting and before that of March 1840, a fund of between 1700 and 1800 dollars was raised by the Proprietors to purchase up pews, and *eleven* or *twelve* were bought in the name of John D. Weld, a son of Daniel, not a worshipper in this society, and himself a dealer in ardent spirit, and thereby the majority of votes was secured to their interest.

It is said, in answer to this, that the friends of Mr. Pierpont also purchased pews. If they did so, it was in self-defence, and, with one exception, only by those who occupied the pews that they purchased. No stranger bought in to aid the friends of the pastor. As we follow on in the history of this struggle, we find

that the moment the opponents of the pastor have acquired strength sufficient to control the vote, they are again in action. In January 1840, "a committee of a large number of the Proprietors, &c." propose to his friends "an amicable *dissolution of the connexion* between the society and Mr. Pierpont,"—and here again four out of six of this committee were or had been interested in the traffic. A reply was made to this proposal by *one hundred and eighteen* persons, of whom forty-seven were pew owners, in which they express a willingness to adopt measures "for restoring union and harmony, leaving the question as to the means of accomplishing that object, open to both parties." The idea of any proposition which should recognize the *possibility* of Mr. Pierpont's remaining their pastor, seems to have been repelled by his opponents, and in March 1840 the Proprietors again met. Daniel Weld, ever among the first to act, offers the vote "we no longer wish the services of John Pierpont," and it was carried by a majority of 12, there having been 56 in favor, 68 against, and one blank, making 125 in the whole. It ought however to be remembered that there have been, throughout this controversy, "*neutrals*," as they have been called in the society, who have declined taking any part in it.

These 125 votes were cast by 91 persons, 50 of whom were *in favor* of Mr. Pierpont and 41 against him, so that while counting by pews the majority was 12 against him, if persons only had been counted there was a majority of 9 in his favor. Of the 50 who were



in his favor, 44 were worshippers in the society, while of the 41 opposed to him, 31 only worshipped here, making in that mode of computation a majority of 13 worshippers in his favor.

Of the 10 non-worshipping proprietors, six, all of whom were engaged in the traffic, cast *nineteen* votes, which was seven more than the whole majority against him.

Of the 41 opposed to him 19 were, or had been, dealers in ardent spirit, and in their own right carried 38 of the whole 68 votes that were cast against him.

Who will say in view of these facts that Temperance had nothing to do with the origin and progress of this difficulty! For what cause but this was a single one of the traffickers opposed to Mr. Pierpont? Some of them have been upon the stand, and what one of them has spoken of *his own* opposition on any other ground? For what other cause *could* those Proprietors, who became such merely to control votes have been opposed to him?

Take away the votes of the six absentee traffickers who voted *as Proprietors*, and the majority would still have remained in favor of a *Free Pulpit*.

It will be remarked that I am not now discussing the propriety of these votes, or who shall govern — men or pews, — but they have been referred to, to show what the traffic in rum and Temperance have had to do with the dissensions existing in Hollis-Street Society.

It is not manly to attempt to evade or deny their agency, and it hardly seems too much to affirm that

such would not have been the case in 1838, when the tide of public feeling seemed to be setting against the License law and its advocates.

Mr. Smith, like a bold and honest man, tells us frankly how it is. "The complaints that led to the measures of September, 1838, were induced by those who sold ardent spirits." "I recollect no complaint at Mr. Everett's, against Mr. Pierpont, but his lecturing on Temperance." Mr. Bradlee says the subject of Temperance was discussed at Mr. Everett's, but he thinks it was not the only cause of difficulty among them. Mr. Weld says that "the first serious thing in the way of difficulty was at the annual meeting in 1838." Mr. Atkins has told us what he was dissatisfied with was, his engaging in getting the "fifteen gallon law" made. It was undertaking "to legislate for us." He says, however, that was not the only cause of objection in his mind.

And if we look at the charges before us, we shall find this very matter of Temperance and the License law, in substance, if not in so many words, spread upon the record as "grounds of complaint." In fact, if we take away these, who does not see that there is not enough left to sustain an opposition for a single hour.

We have chiefly confined our view to the evidence that has come in on the other side, and when we revert to what has been testified of by the witnesses in behalf of Mr. Pierpont, every position that I have taken is confirmed.

These witnesses all testify to their unqualified belief, that temperance is the moving cause of these difficulties, and you have seen the opportunities they have had to form a correct judgment upon the subject.

It is said the dealers deny this position. It is true they do now, when no man would have the hardihood to avow the agency of such a cause. But we show where the dealers have always been found in this controversy, and against their professions the old homely adage may well apply, that "actions speak louder than words." Dr. White has told you of the influence which has been exerted in this matter by his kinsman, Mr. Moses Williams, and the records and other testimony show the same fact. And Dea. May has told you what he, of his own personal knowledge, knows upon the subject.

Before, however, considering his testimony, it is proper to dwell for one minute upon the attempt which has been made to invalidate it. It was perceived, the very first day of the trial, that there was a determined purpose on the part of some of the witnesses, to crush not only Mr. Pierpont, but those who dared to stand by him as friends; and so apparent was this in the attacks made upon Dea. May, who had not then been called in the case, that the Council very properly interfered and arrested the remarks of the witness. This spirit has been manifested through the whole trial, and now the attempt has been made to impeach him by the contradictory statements of Mr. Crane, Mr. Weld, and Mr. Smith. This must have grown out of a misappre-

hension which it is not difficult to reconcile, and yet leave both parties free from the imputation of *intentional* misrepresentation.

Mr. Crane has more than once stated that Deacon May in speaking to him of the sermon on the "Moral Rule of Political Action," said in substance, that the minister was a fool for preaching such a sermon; and this Deacon May denies. Now it is to be regretted that so much of this case has had to rest upon the shoulders of Mr. Crane. He has told us how much of the preparatory labor has been done by him. He has shown how much feeling he has upon the subject; he has been again and again upon the stand whenever the occasion called for the aid of his testimony; and now he has been called in to impeach and invalidate the testimony of a witness standing in this community like Deacon May.

Unfortunately for Mr. Crane, it is not credible that Deacon May could have used the language ascribed to him. He was Mr. Pierpont's friend, and there is nothing about that sermon, if he had not been, on which he could have predicated the charge of being a fool, upon its author. The sermon will not warrant such an idea for a moment. The truth was, Mr. Crane was very much excited; he had a hasty conversation with Deacon May, in the street, and it is not strange that in recalling it, he conceived an erroneous impression as to what actually was said by himself, and what by Deacon May, and confounded them in his mind. He has shown how liable his judgment is to err on a subject.

upon which he feels so much, in the case of the pretended pledge of Mr. Pierpont, contained in his letter of September, 1838. He believed the pledge to be there ; but when you sought for it, was not the search a vain one ? And did not the friends of Mr. Pierpont repel the idea of a pledge, the very time the letter was read ?

In regard to the contradiction of Mr. May, by Mr. Weld, it is by no means remarkable that he should not recollect the conversation spoken of. He was very active in this controversy, again and again, at Deacon May's counting room, conversing upon it, and was frequently conversing upon it elsewhere ; and it would not be strange if he had forgotten it. On the other hand, would Deacon May have gone into the street to inquire in regard to Mr. Homer, if he had not heard the statement of which he speaks, or would he have gone home to his own family and told them what was not true ? And more than all that, the conduct of Mr. Weld has been shown to be perfectly consistent with what he stated to Deacon May in regard to his belief that Mr. Pierpont would be obliged to leave his society.

The testimony of Deacon May in regard to the declarations of the dealers in ardent spirit, renders their agency in this matter, if any further proof were needed, clear beyond contradiction. Moses Williams declared to him that he would not support a man who was trying to hurt his business. At the interview of the committee with Mr. Pierpont, in 1838, Mr. Howard, though not a dealer, in the presence of Mr. Child who had been,

when pointing out to Mr. Pierpont the consequences of his course, said, "these men are engaged in what they think an honorable business, and if he did not let them alone, they would not him." Winsor Fay complained, even with profanity, of Mr. Pierpont, that he would not let their business alone, and Mr. Weld, after alluding to a rumor that Mr. Homer had been turned out of his society for meddling with Temperance, insisted that Mr. Pierpont would be turned out of his, if he did not let it alone.

And where do we find one dealer in ardent spirit that sustains Mr. Pierpont, or one Temperance man who is opposed to him? Is it not a fact proved in this case, that the moment one of his opponents joins in the Temperance movements of the day, he is no longer found in the ranks of the opposition? I will not deal in too strong terms, but I would ask my friend, the junior counsel on the other side, if this was a charge against these gentlemen for a conspiracy to injure and drive Mr. Pierpont from his pulpit, whether he, in his capacity as a prosecuting officer, if within his cognizance, could fail to convict them upon acts and declarations so numerous and so coincident as these?

We come, then, to the great question in this case, — shall Mr. Pierpont be expelled from his pulpit, for the interest he has taken in the cause of Temperance?

What has he done? He has not, for many years, preached it in his pulpit. He has lectured abroad, and on one occasion prepared a memorial to the Legislature. This seems to be the extent of his offence, even on this subject.

So far as the memorial is concerned, it is now before you, among these printed documents, and has it been pretended that the facts it refers to are not true, that its facts and its arguments are not morally and politically true? And if they are, may not a minister, *as a minister*, and *as a man*, raise his voice against the traffic in alcohol?

If inspiration is true, if the gates of heaven are closed against the drunkard, may not he whose care is for the souls of men do any thing to arrest the power of this soul-destroyer? The voice of the people and the press through the land have answered this in regard to the very matter now before you.

Do what the opponents of Mr. Pierpont may, the cause of Temperance cannot be arrested. Galileo may be shut up in prison, but the earth will still move on its orbit. The distiller and the rumseller may shut the doors of the Hollis-Street Church against the light, but they cannot roll back the tide that is overwhelming their traffic.

In this connexion Mr. Pierpont has been made the exponent of a *great principle*, and that is, *the Freedom of the Pulpit*.

To which hereafter shall our clergy minister, the the temporal and eternal well-being of the human race, or the cupidity, the arrogance, the intolerance of wealth wrung, it may be, from suffering wives and children, garnered up from the ruined fortunes of the miserable — the merchandise that beggars the soul of the buyer, to build palaces and give power to the seller?

May Father Mathew go through the land cheered with the prayers and blessings of Catholic millions, and the tongue of a Protestant minister be silenced by a Protestant council in the city of Boston at the beck and bidding of the distiller and the rumseller?

As far as arresting the progress of Temperance is concerned, such a course would be futile. Temperance will triumph as certainly as the Christian Religion, and the time will come when the poor man's bread will no longer be changed into the poor man's poison.

Among the grounds of complaint upon which no small reliance seems to have been placed, is the manner in which Mr. Pierpont has carried on this very controversy. It is said to be "harsh, contemptuous, vindictive," &c.

Has any man before you ever intimated that Mr. Pierpont ever treated any one in private with a want of courtesy? The evidence is all to the contrary. So far as his correspondence is concerned, it has been shown that it was all submitted to and approved by his friends, before it was made public. And to whom else should a man, situate as Mr. Pierpont has been, go, or whose counsel take as his guide, if not his friends'?

Has it been shown that he has ever written, or published, or said, what was untrue or unwarranted by facts? The attempt to do this in one particular has already been considered, and need not be alluded to again.

The truth is, Mr. Pierpont was driven to the wall before he turned at all upon his pursuers, and then only in his own defence. Will it be contended before this



Council, that a minister, because he is such, may be assailed with all the bitterness of malice, and yet be not permitted to defend his character, which to a clergyman is his all?

If the charges against the respondent are true, they are enough not only to drive him from the pulpit, but from all decent society. Why then make the *manner* in which he defends himself against these charges, a substantive ground of offence? If they are true, this new ground is not needed. If they are false, what language can be too strong for an injured man to use? If the charges are groundless, is the man who has been suffering under this baseless calumny to be turned out of his *pastoral* office, for feeling like a *man* and speaking like a *husband and a father*.

Go through the letters, and, bearing in mind the circumstances under which they were produced, judge ye if he was not justified in all that he has written. His first was the September letter of 1838, to which even his most captious enemy does not object. The next was written in September, 1839, and in it he claims that his pulpit should be free, that Temperance is the cause of their difficulties, and suggests two courses, one of which might be taken to put an end to the dispute. The next is the one already referred to in which he had offered to submit the dispute to a council. And the next is the one in which he replied to the report of the Proprietors, which had already been published in the newspapers, holding him up to ridicule for having made stoves, and screws, and razor strops. The next

letter in this correspondence was written in answer to the vote of March, 1840 — declaring that the Proprietors no longer wished his services — and the last is of the date of November, 1840, and was written after the charges affecting his moral character had been spread on the record, and an attempt had been made to evade the trial of them by the substitution of new charges in their stead.

These are the circumstances, in brief, under which these letters were written, and as to their matter, they speak for themselves. They have been read through this wide land, and wherever they have gone, they have found a hearty response from a free press, and a generous minded public. This Council may condemn Mr. Pierpont for having thus defended himself, but the letters will still be read, and the measures of the Hollis-Street Proprietors will be remembered so long as beauty and strength of language, clearness of style, energy of thought, and a fearless avowal of honest and noble sentiments shall continue to find admirers.

As a last and crowning charge, in the manner in which it seems to have stood out in this trial, is the neglect on the part of Mr. Pierpont to conciliate his opposers, and thereby restore peace to his society.

If there has been fault in this respect on either side, where does it lie?

In order to settle this question, we must again go over some of these facts, and see how they bear upon this matter of conciliation.

Every thing was harmonious till 1838, when a dis-

content arose on account of temperance. He yields to this, and from August 1838, to November 1839, never makes a single lecture or sermon on the subject. Not only so, but when in September of '38, a committee wait upon him in regard to the difficulties, he comes at once into their views, writes a letter which satisfies his strongest opposers, and yet to a conciliatory report from that committee, every dealer in ardent spirit, except one, was opposed, and Mr. Crane says he was complained of by several, for what he did towards a reconciliation at that time.

Whose was the spirit or the act of conciliation thus far? The same persons who, in September 1838, resisted conciliation, in 1839, make known their determination that he shall abandon his pulpit, and the only compromise they are willing to extend, is a year's salary if he will voluntarily resign — a sum of money for the abandonment of a principle!

He refused to pledge himself, and the next day the vote was offered *that the connexion ought to be dissolved*. On his part, Mr. Pierpont insisted that his pulpit should be free, but the dissolution of the connexion is insisted upon by a vote of sixty-three to sixty. Soon after this, Mr. Pierpont, through Mr. Boyd, proposes to submit all these difficulties to a mutual council, and this is met by a rejection on the part of the Proprietors' committee, and a holding him up to ridicule in the public newspapers.

What more could have been done by the respondent? The Proprietors would neither offer terms, nor

accept them, and when they resorted to ridicule as a weapon, how otherwise could they be met, than by the same engine, the press? It was not a case for grave argument — he must either submit in silence, to his own and his friends' discomfiture, or reply in the only way in his power, by showing how ridiculous were the charges, and how unworthy they were of a serious reply. And it is not too much to conjecture, that one great cause of the deep feeling manifested by some of the Proprietors against Mr. Pierpont, may be traced to the fact, that the weapon they employed against him was found to have a keener edge in his hand, than what they had been able to give to it.

So if we trace through this whole controversy from 1838, to the present time, there has never been any proposition made or listened to, by the Proprietors, which recognized the *possibility* of Mr. Pierpont's remaining their pastor. The only alternative left him was to go voluntarily, or go by force. In the view of this, and of the feelings which were openly manifested towards him by Moses Williams, Mr. Weld, and Mr. Fay, Mr. Pierpont owed it to a proper sense of self-respect, to withhold any further advances, when he knew they would be rejected with indignity.

But it is said he ought to have resigned, that he was obstinate, and that he should have sacrificed his own feelings to the peace of his society. All this he was ready and offered to do, but he was the minister of a whole people, and was as much bound to consult the wishes of one part, as of the other. He was ready to

give up the difference between his salary, and that paid to Mr. Holly, since some had made objection to this, and the letter of resignation which he prepared in view of these difficulties has been read before you. The only reason why it was not offered at a regular meeting of the Proprietors, was the opposition of his friends, whose wishes he was bound to regard, and who assured him it would do no good, for if offered it would not be accepted. And the motives on the part of his friends for so doing, have already been explained to you, and are alike honorable to their foresight and their independence. They saw the spirit that was awakened on the part of the traffickers in alcohol, they saw their determination to silence or muzzle the pulpit, they saw that if success crowned these efforts in regard to the pulpit of Hollis Street, the other pulpits in Boston must follow in their turn, and they were willing to make a stand here in favor of a principle in which every Christian society in the country was interested. And the vote of the November meeting, 1839, shew that in this sentiment a majority of this society concurred.

This, by the doctrine now contended for by the Proprietors, ought to have settled the question conclusively. Instead of that, however, instead of doing any thing to conciliate or admit of conciliation, the Proprietors renew their efforts to eject the pastor from his pulpit. Wealth is lavished for this purpose, strangers are brought in to decide by their votes, that the people of Hollis Street society shall not enjoy the minis-

trations of the man of their choice, until in this way the majority of the wooden partitions which constitute the pews was obtained against him, while the majority of souls continued and has ever remained in his favor.

Concession there has been none on the part of his opposers — witness after witness have declared that he *would* not come back into the society if Mr. P. remained. And must, nay, can the conciliation be all on one side? His opponents admit that he has been honest and sincere in uttering his sentiments, and had he not been, he had only to hold his peace to insure him quiet. And was the pastor the only one to act in this business of allaying difficulties?

If any door for conciliation had been left after the vote of March 1840, it was effectually shut by the charges of April 6, in which the Proprietors declare his office forfeited, among other things, for *indecenty, dishonesty, and falsehood.*

You have seen on the other side, what Mr. Pierpont did, and what he forbore, for the sake of peace, and yet with all his efforts, unwearied as they were, in avoiding offensive topics, in visiting among his people, in courteous demeanor, and devoted attention, not one of the movers in this warfare were reconciled, but on the contrary, at the first moment when they could act, they acted, to a man, against him. And when has the time been since September, 1839, when, had he sought it ever so much, Mr. Pierpont could have approached these men to conciliate them? Nothing, in short, was left for him, but to defend himself, and his

character before the world, by publishing the truth. And for publishing the truth, he is now to be condemned for neglecting his duty in not conciliating his people : Can the charge be sustained for a moment ?

We have now gone through with these charges, and the interesting question remains, in view of all the case, what shall this Council do ? Their course seems to me to be plain. The line is drawn which is to guide them, as well in their investigations, as their result. If they remove Mr. Pierpont at all, it *must be* by determining that the " grounds of complaint " are the " reasons for dissolving his connexion." And this position is the more confidently urged, because in looking into the correspondence in this case, it will appear that eight out of the twelve churches here assembled, at a former ineffectual meeting in Council, so understood the limits of their duty.

It was on this ground that the generous proffer of this Council to act in this case was accepted, and any essential departure from it, might throw suspicions upon the honorable motives which dictated such a proffer.

If the " grounds " are not true, there is nothing more for this Council to do. If any part of them are true, is it such as ought to result in a dissolution of the connexion between Mr. Pierpont and his society, or merely in advising them how these difficulties can best be healed ?

The legal rights of the respondent are in every respect as valid as those of the disaffected who would

deprive him of them. This Council, or any court, have no more right to release one party from the obligation of their contract, on the plea of expediency, or the general notion of propriety, than to impose a double burden upon the other party. They can no more release the Proprietors on such a ground from paying the salary due to Mr. Pierpont, than to compel them to pay a double salary, or absolve him from the performance of all duty in his office.

There has been, through the whole of this trial, an apparent disposition on the part of the Proprietors, to escape from the real questions between the parties, and to rest upon certain general considerations of probable or possible expediency, as a rule by which the Council should be guided. Upon such a ground, if the existence of difficulties is to be the evidence by which it is sustained, no minister could ever be safe. Let some rich and influential member of a society make up his mind, from any cause, to displace its pastor, and all that he has to do is to create and foment dissensions there, and then, make the existence of these the cause of sacrificing the innocent party.

The question of expediency not only is one which has not been submitted by the agreement of these parties, but there are third parties interested in its decision who are not and cannot be heard here, and that is those who worship in this house. To them it is a question of deep moment, whether their Pastor shall be displaced, and if this is to depend upon the probable balance of good or evil which may result from such a



measure, surely, before their rights and interests shall be sacrificed, they ought to be heard.

But the respondent, so far as he is concerned, would not shrink for a moment from meeting his opposers, even on this ground, if it was open to them.

In considering this part of the subject, something more than the mere counting of pews and reading of title-deeds is to be regarded. The mockery of such a proceeding did not require the calling of a Council. And the conclusion to which I have come, from the whole evidence in the case, is, that if Mr. Pierpont remains, the society will flourish again — if he is removed, it will be broken up and destroyed.

If he remains, who that is now here will go away? Deacon Bass says he thinks some would do so, but he does not put the number higher than from seven to ten. But who has told you that he himself would go?

So far as there is any evidence on this subject unfavorable to this view of the case, it has come from the opinions of those whose judgments are in no slight degree formed from their own wishes and feelings.

On the other side, we have the opinions of friends sustained by facts, as well as the general fact that so large a proportion of the whole society have adhered to their Pastor through all these troubles.

If Mr. Pierpont is removed, who will return? Mr. Crane has furnished a list of those who, within fifteen years, have been dissatisfied and left, or are dead. And although in this number important errors have been discovered, it is not meant to impeach the honesty of

his belief when he prepared that list. But most of those now alive must have connected themselves with other societies, have their associations there, and can have no inducement to return here. Such as have recently left might return ; but, at best, their number must be few.

If Mr. Pierpont is turned away for having dared to preach the truth, is there a doubt that those who love to hear that truth, and to maintain the right to have it preached, will never consent to sit down under such a ministration and such rules as alone would meet the views of his opponents?

Much has been said of "old stand-bys," and an attempt has been made to awaken a sympathy for such. But in determining a question like the one before you, is there any difference to be attached to an equally respectable citizen, whether he has been a worshipper here for five or twenty-five years? Besides, with what grace can this consideration be urged by those who themselves have brought in strangers and a money power to over-ride the rights of those who are actually the "old stand-bys" in this society?

Can you hope to restore peace or build up this society into strength again, by driving away the present worshippers and denouncing the principle they have been contending for?

What in fact is the real condition of this society now? There has been a great misapprehension in the public mind on this point, which ought to be corrected. It has been represented that Mr. Pierpont stood against his

society, intrenched within technical rules, and regardless of their wishes, when, in fact he has only stood by his society, relying upon their aid and contending only for the cause of Truth.

Although the number of present worshippers ought not to be regarded as a fair test, when we find that those who own the pews and do not occupy them themselves, have, in some instances, been unwilling to suffer others to occupy them, yet is it not true that more worshippers have been added since these troubles began, than have been lost to the society? Is there any question that the same minister and the same style of preaching, which, under such adverse circumstances, have retained and added so many worshippers, would attract still more, if peace could once be restored? Deacon Bass has told us there is not a society in Boston where the friends of the pastor are more strongly attached to him than are the friends of Mr. Pierpont at this very moment. And who do the papers and the testimony before us show are these friends? The printed document of January, 1840, replying to the communication of his opponents, is signed by one hundred and eighteen names, representing fifty-one pews.

The number of worshippers now, as stated by Mr. F. Jackson, J. J. May, and others, is one hundred and thirty-one male adults, who own or occupy pews, and nine females, who are pew proprietors.

The Church has, from the beginning, increased as rapidly under Mr. Pierpont's ministration, as under that of his predecessors; and during seven months of

the present year, the number added to this body is more than double the average increase of former entire years. And of these, out of a little over seventy, more than sixty are known to be in favor of retaining Mr. Pierpont. (Here Mr. Rand suggested that sixteen only of these were males.) Is that a consideration to urge upon this Council? Are the female members of this church to be wholly disregarded because they cannot vote? Do you not admit them in solemn covenant to your communion, as members of the visible church, and hold them in the interesting relation that binds that body together? And are we to be told that they have no interest in the question whether their pastor is to be torn from them, because their husbands or brothers hold the deeds of the pews they occupy? It is a doctrine that partakes more of the narrow technicalities of a close corporation, than the expanded charities of the Christian religion.

When we inquire as to the Sabbath School, to whose interest Mr. Pierpont has devoted so much time and attention, we find its teachers *all* in favor of his being retained, and expressing their belief that his removal will be fatal to its prosperity.

Whatever else may be said of the friends of Mr. Pierpont in this society, they not only are able but willing to support him, as they have done, without a dollar being paid as a tax on these pews, for the last year or two. And can you doubt they will still do so, if this difficulty should be settled?

In the one case then, you have a society of one hundred and forty worshippers, at least, a church and a Sabbath school, — in the other, less than fifty, Mr. Jackson says, not exceeding thirty, in the whole, and with scarcely a nucleus of a church.

Can you hope, even if Mr. Pierpont were now removed, that this society could unite in the settlement of a new minister, divided as its members are, upon the very *principle* on which he should be settled. The *principle* on which they divide is so prominent that you are almost imperatively called on to say which side in this controversy you will sustain. When the friends of Mr. Pierpont prevailed in November, 1839, they resolved to sustain the principles of entire freedom and independence of the pulpit, and for this they have uniformly contended. But the first vote of the opponents, when they obtained the majority, in March, 1840, was to *rescind* the resolution of November. And this difference seems to have marked the opinions and feelings of more than one of the witnesses on the one side and the other, as they have testified before you.

But the strong argument which has been urged in answer to all that has been said in behalf of the respondent is, that the majority of the Proprietors are opposed to him. If this is so, it is *because wealth has been lavished here to buy up and control this pulpit* — a precedent more dangerous than can be found in the history of the churches of New England. If Mr. Hay's doctrine — “the great principle,” as he says, for which they are contending, — is to be sanctioned by this Coun-

eil and our courts, that a minister, "though pure as an angel of light," shall yield up his pulpit whenever a majority of the pew-holders demand it, then the followers of Abner Kneeland may buy up one more than half the pews in number in the Federal-Street Church, and he may utter his doctrines there in triumph.

The wealth of the opposition pew-holders is not needed to sustain this society. The present worshippers only ask that you will not interfere in favor of those who, in making war against their pastor, are warring alike against them and the freedom of their pulpit.

Leave, then, the respondent as you found him, except to declare him innocent, as it seems to me you must, of every charge that has been brought against him, and the consequences are plain — his friends will adhere to him, many opposed will remain and unite with them. The society will increase from the present rapid growth of this part of the city, as well as from other causes, and in three years' time I may venture to affirm, Hollis-Street Church will again be filled with a contented, peaceful and prosperous congregation.

On the contrary, turn out Mr. Pierpont from this pulpit — let the money power ride over the consciences of those who worship here, and the society is broken down, Hollis-Street pulpit is silent or worse than silent for ever, and the cause of religion and of civil liberty is deeply wounded in the very house of its friends.

The determination of this cause involves momentous consequences to the respondent, to the cause of civil liberty, and of religion.

Can the respondent go out into the world at his period of life, with an unblemished reputation, if he goes forth with the censure of his brethren upon him? He has toiled long and arduously for usefulness and for character, and the struggle now is to deprive him of both. Will you permit him to leave to his children the rich inheritance of a good name, or send him away, poor as he is in this world's goods, with a ruined reputation?

To the cause of civil liberty, the decision of this case is even more important. A *free pulpit* is scarcely less essential than a *free press*. Where a pulpit is *free* a people cannot be slaves. It was the pulpit more than the press that kept alive the spirit which, in the days of our Revolution, secured their freedom to our fathers. And even foreigners have remarked with admiration the connexion there is between our religious institutions and the prevalence of free principles in our land.

You know that the law no longer sustains the pulpit by any *coercive* aid. It must stand, if it stands at all, by its own merits and the assured confidence in the public mind, that it is free and untrammelled. Better a thousand times have the bigotry of an hierarchy to control the pulpit than the capricious tyranny of a self-constituted censorship, whose only claim to confidence is the ingots and pride of those who hold the rod of power.

If wealth is to be the dominant power over the pulpit, and he is to be subjected to ignominy, who dares

to lift the veil that covers sin, because it is the sin of the rich, it would be better that every church door was closed, and every watchman forever silent beside his altar.

While the whole of Christendom is instinct with life in the cause of benevolence, shall it be said that the *independent* churches of New England are shut against it? Shall it be said that here, in Boston, where more than two hundred years ago, there were minds which dared to break through the lines within which intolerance and the law hedged them in, and to think and speak in the freedom which God had given them, the ministers of his religion are willing to bow to the shrine of mammon, or hold their peace to court the favor of any class of men? You will answer no, for where the proposition stands in its true light no other answer can be given.

Let religion, then, be what its author designed it should be, a light to our path and a guide to our feet through this world of temptation to immortal life beyond the grave, and let its ministers boldly proclaim its councils "whether men will hear or whether they will forbear," and it will rise above every obstacle which self-interest or human passion may throw in its way.

But if none but such opinions as suit the leaders in a community may be preached, if the vicious propensities, the debased appetites, the wicked passions, of men may not be attacked from the pulpit, from a fear of excitement, preaching becomes but a siren's song to lull men to sleep, while eternity, with all its dread realities, is waiting to receive them.



Once and again has this edifice been in peril from the fires of heaven. But the same Providence that directed the lightning's bolt preserved it from destruction. Once and again have the fires of discord been lighted here to destroy the visible, the living church, which God has gathered here; and we look to the same protecting Providence to quench these fires, and yet to spare the flock that come around this altar. In your hands is its shepherd, and on your decision rests the issue whether this flock shall be scattered, or be suffered again to follow the familiar, the loved voice of the pastor of their choice.

In the name, then, of justice to an injured man, in the name of civil liberty, in the name of that holy religion which you profess, I ask, I entreat of you, that you acquit my client of these charges, and that you restore him back to his church and his people.

By doing this you will restore peace, by showing to his persecutors that the pulpit is not to be made subservient to any man's self-interest, or to be silent in the cause of religion and humanity.

In this result the generous minded, and the magnanimous among his opposers, and there are many such, will acquiesce, and when this excitement shall have subsided, will bless you for the fearless discharge of your duty, and their children's children will reap the rewards of your faithfulness in maintaining the cause that is now committed to your charge.

If there are any whose feelings have become so imbittered that they cannot again come to this sanctuary, will

you leave them to find a more congenial place of worship, or will you sacrifice to their *feelings* the hopes, the wishes, the happiness, of those who now worship here?

Which interest shall prevail, which be the most regarded, the *souls* of this flock, or the money-power of those who hold a parchment title to the bricks and mortar and timbers of a house into which some of these proprietors rarely, and some never enter.

Weigh well the consequences of your result. You may dismiss the respondent — you may yield to the clamor that has been raised against him, and give his enemies a triumph. You may send him into the world a censured — a disgraced minister, and it may be of comparatively little consequence. The circle of friends who may feel his disgrace may be comparatively small. At the utmost, his heart cannot be stung with mortification and sorrow but a few years, before its throbbings will be hushed in that sleep which no enemy can disturb, and his children alone may then feel the blush of shame tingle on their cheek, when the connexion of their father with this church shall be recalled.

But these are all sufferings and consequences of a day, and if your result stopped here, it would, so far as the affairs of this great world are concerned, be of but little moment.

But it cannot stop there. The issue of this trial will be felt when you and all of us shall have been gathered to our fathers, and our names shall be moss-grown on our tombstones. If the purity, the independence, the

freedom of the pulpit is sacrificed here, if the altar is to minister only to the caprices of power and of passion, if the thoughts, the souls of pastor and of people are to be chained down and circumscribed by the will of a few, nothing but a revolution such as Luther wrought out in the old world, can restore back the churches of New England to their primitive purity and lustre.

The eyes of thousands whom you may never know, are upon you in this decision. They feel that the cause of the respondent is their own cause, is the cause of humanity, of civil and religious liberty. The press throughout the country has spoken out the feeling of every liberal, unbiased mind, a feeling of generous indignation, that in the nineteenth century, an attempt should be made to silence the pulpit, and hedge it in with the terrors of a monied power.

See to it, that your result shall be such as you yourselves shall approve, when you look back upon this scene from the calm retreat of your own thoughts, when this trial and its consequences shall have become history.

See to it, that when you render up your account of this, as of your other deeds done in the body, unto the great Head of the Church, it shall be with joy and not with grief, because, regardless of the fear of man, and with pure consciences, you shall have done your duty as men, as Christians, and as the ambassadors of the Most High.

## RESULT OF COUNCIL

IN THE CASE BETWEEN THE REV. JOHN PIERPONT AND THE PROPRIETORS  
OF HOLLIS-STREET MEETING HOUSE.

THE "Grounds of Complaint" preferred on the 27th of July, 1840, by the Committee of the Proprietors of Hollis-Street Meeting House, against their Pastor, the Rev. John Pierpont, to be submitted to a Mutual Ecclesiastical Council, as "reasons" for dissolving the Pastoral connexion subsisting between them, embrace three description of charges. *First*, Charges affecting the moral character of the Pastor, and impeaching his purity, his integrity, and his regard for truth; *Secondly*, Charges affecting the ministerial character of the Pastor, impeaching his fidelity in his office, and condemning the manner in which he has discharged its duties; and *Thirdly*, Charges growing out of the difficulties that have arisen between him and his Parish, and impeaching the Christian temper and spirit of the Pastor in respect to the manner in which he has, in his letters, public communications and speeches, conducted the controversy.

These "Grounds of Complaint," therefore, present very grave and serious charges, affecting the character and reputation of a Minister of the Gospel, and through him the interests of religion itself. Under these "Grounds of Complaint" the parties have had a full and patient hearing; the Council have diligently considered all that has been presented to them in the testimony and arguments, and feel it to be due, as well to themselves as to the parties and the interests of religion, to present a full view of their opinions upon the various points involved in the case.

1. And first, they are of an opinion that the charges affecting the *moral* character of the Pastor are *not* sus-

tained. They believe that a calm review and a charitable construction of what was presented under these charges, will not only support this opinion, but must lead to this result.

The charge impeaching the Pastor's purity of mind, sets forth "that the Rev. John Pierpont has, in the pulpit and elsewhere in public, unnecessarily made indelicate statements and allusions, by which his audiences, and more especially the female portion thereof, have been mortified and disgusted, and the confidence of a large portion of his Parish and the public, in the purity of his mind and motives, been impaired." The Council consider the evidence adduced as altogether insufficient to sustain so grave and serious a charge as this. But three instances of statements or allusions of the kind referred to were presented in the testimony; and these three, even if admitted to have been unnecessary, were such as only to call in question the good taste of the Pastor, and *not* his purity; and *no* proof was exhibited that *confidence* in the purity of his mind and motives had, to any extent, been impaired.

The charge impeaching the Pastor's integrity, sets forth, "that the Rev. John Pierpont has, in his secular dealings, been wanting in that scrupulous integrity which is necessary to the respectability and usefulness of a Christian minister." Under this charge, three specifications of a violation of integrity are adduced. First, "that the Pastor pledged to another the copy-right of a book, which he had engaged to Mr. Wm. B. Fowle not to dispose of without first offering it to him, not having offered the same to said Fowle." It appeared in evidence, that the Pastor did not pledge the copy-right of the book, but merely his share of the proceeds, which, under a copy-right contract, were to fall due to him from the sale of the book. It appeared that these proceeds were received by himself, in money or notes, and by him paid over to

the person to whom they were pledged, till the debt, for which they were pledged, was liquidated. The Council are of opinion, therefore, that this specification, as set forth in the "Grounds of Complaint," is not sustained. Under this specification, a large mass of testimony was presented to the Council, touching all the secular transactions between the Pastor and Mr. Wm. B. Fowle, and their contracts in relation to the copy-rights, and the sale of the copy-rights, of certain books held as joint property by them. Although some members of the Council are not prepared entirely to approve the Pastor's conduct in all these transactions, yet inasmuch as that conduct does not bear upon the specification set forth in the "Grounds of Complaint," and inasmuch, also, as it involves a question of legal right, to be determined by a higher and more competent tribunal, the Council do not feel called upon to express an opinion in the case.

The second specification against the Pastor's integrity, recites that he "wholly neglected and omitted, without any justifiable excuse, to furnish Mr. Wm. W. Clapp, one of his parishioners, with letters from him while in Europe, for publication in the Evening Gazette, he having entered into a written agreement so to do, and having received from said Clapp and negotiated his acceptance for two hundred and fifty dollars, as the consideration for writing said letters."

It appeared in evidence that the Pastor did send Mr. Clapp one letter from Europe, dated about three months after he sailed from this country, a large portion of which was subsequently published in the Evening Gazette, and that in this letter he refunded the money, and informed Mr. Clapp that the stay he made in any one place was so short, that it would be impossible for him, in his state of health, to meet his engagement to furnish him letters for publication. It appeared in evidence, that the Pastor was suffering from ill

health, at the time this letter was written, and that he was considered by those who then saw him, unequal to the task of writing much or regularly.

The Council cannot but consider this as a *justifiable excuse* for the Pastor's failure to furnish the letters, and they regard the facts, therefore, as presented under this specification, as insufficient to sustain the charge.

The third specification against the Pastor's integrity, charges him "with communicating and suffering to be made public, and to be publicly sold, a newly-invented *Steel Hone*, which Dr. Bemis, the inventor, had intrusted to him for his private use, upon his undertaking that he would not communicate or make known the same." And also with "claiming as his own, or wilfully permitting the invention of said hone to be publicly attributed to him, without contradiction, he well knowing that the said hone was not invented by himself, but by said Bemis." It appeared in evidence, that many years since the Pastor did receive from Dr. Bemis, under an injunction of secrecy, and with the understanding that Dr. Bemis intended to obtain a patent for it, a Steel Hone or Tablet, for the purpose of sharpening razors, to be used with or without paste, and nothing was shown to the contrary. It appeared in evidence, that some eight or ten years afterwards a Steel Hone or Tablet was put into the hands of a mechanic at Taunton, for him to make one like it, by a gentleman who said he obtained it from the Pastor; that this mechanic, not being cautioned to any secrecy, made several of these hones or tablets for different persons; that receiving, about a year afterwards, an improved kind of paste from the Pastor, he manufactured these hones for sale, and that they were publicly sold with this mechanic's name upon them as the maker. It did not appear in evidence that these hones were publicly known and advertised as the invention of the Pastor. It did not appear that the Pastor claimed the invention

as his, or refused to acknowledge that his original Tablet or Hone came from Dr. Bemis. It did not appear that the Pastor claimed or received any pecuniary profit or advantage from the manufacture and sale of this article. Now, as Dr. Bemis felt aggrieved under these circumstances, and the Pastor was so informed, the Council consider it matter of regret that he did not call upon him and offer some explanation of his conduct; but, in consideration of the many years that elapsed after the hone came into the possession of the Pastor before it was made public, and that no satisfactory account was given by Dr. Bemis of his delay, during all this time, to procure a patent, a circumstance which might naturally lead the Pastor to conclude that he no longer considered the matter as of any importance, and inasmuch, also, as improvements in the application of steel for the purpose of sharpening, had meanwhile been made and publicly announced, and inasmuch, furthermore, as it did not appear in evidence in what precise way the hone came into the possession of the gentleman who brought it to the mechanic at Taunton, nor for what purpose it was intrusted to him by the Pastor, the Council are of opinion that the facts connected with this specification do not require a construction adverse to the Pastor's integrity.

The remaining charge affecting the Pastor's moral character, sets forth, "that the Rev. John Pierpont has been wanting in that scrupulous regard for truth, which should distinguish a Christian minister," and the specification recites, "that evidence will be offered of his having denied expressions and remarks made by him in his sermons and upon other occasions, and of his having denied the writing of a certain theatrical prologue, or other compositions, written by him."

But little evidence was offered to the Council touching the first clause in this specification. Differences of recollection existed among the witnesses as to



the precise words or expressions sometimes used by the Pastor, but the Council are of opinion that nothing was shown under this clause impeaching his regard for truth. In regard to the second specification, it appeared in evidence, that several years since, when a prize was offered for the best theatrical prologue, a poem, believed, on recollection by one of the Committee, to be in the Pastor's hand-writing, was sent to the Prize-Committee; that at the same time a gentleman, who had been previously asked by the Pastor if he might be relied upon as a confidential friend, in case a poem should be offered, but was not informed directly as to the authorship of the poem, received a letter, also believed to be in the Pastor's hand-writing, dated Hartford, and signed J. Jameison, informing him that a poem with this signature had been sent to the Committee, and requesting him, should the poem be successful, to receive the prize-money, and pay it to whom he supposed it to belong, and that this gentleman subsequently received the prize-money, and paid it to the Pastor. It appeared that, afterward, when some excitement arose in respect to the authorship of the poem, and the Committee, to relieve themselves from attacks and imputations cast upon them through the press, were anxious to discover and declare the author's name, the Pastor replied to an inquiry put to him for this purpose by one of the Committee, "that he had not written two lines of heroic verse for two years," and it appeared that the poem in question was written in heroic verse, and nothing contrary to all this was shown. The Council are of opinion, that these facts do not exhibit such evidence that the Pastor wrote the poem in question as to authorize them, sitting in judgment on his character, to pronounce his reply to a member of the Prize-Committee, to have been a denial of the authorship, or an evasion of the question. To authorize them to do this, they consider that it ought to be shown,

not simply that the Pastor may have written the poem in question, but that he actually wrote it, and wrote it within two years, or that he must have written it, and written it within two years, as no one else could have written it, which is not shown. While the Pastor's position, therefore, in relation to the Prologue, may be deemed unfortunate, it cannot be considered such as to authorize the Council to pronounce him wanting in that regard to truth, which, as a man and a clergyman, he should possess.

In addition to the specifications set forth in the "Grounds of Complaint," certain passages in the printed correspondence of the Pastor, and in his remonstrance to the ex-parte action of the Council, were also adduced as evidence of a want, on his part, of a scrupulous regard to truth. The Council are of opinion, that in the exact signification of words, and the ordinary acceptation of language, some of the passages referred to, would convey to readers generally a meaning different from that which the Pastor puts upon them, and an apprehension of facts different from that which actually occurred, and they consider it matter of regret, that in documents of such importance there should not have been a clearness and explicitness in the language used, that would have precluded all misapprehension of meaning and all appearance of mistatement. If, for example, in his letter of September 20th, 1838, the Pastor did *not* mean to admit that he had devoted too much time to topics somewhat foreign to the appropriate duties of his office and profession, it is to be regretted that he did not say so *explicitly*, rather than have used a form of expression, which, to some readers, has conveyed the idea that he did mean to admit it.

The passages, which may be thought to afford most support to the charge under consideration, are *that* in his letter of Oct. 22, 1839, in which he speaks of the "Resolutions" offered by Mr. James Boyd, as "*appended*"

to his letter of Oct. 7th, and *that* in his Remonstrance, in which he says, that on the 7th of Oct. 1839, he “tendered to the Proprietors a *mutual* Council, to decide whether, for reason of any thing that he had done, or left undone, in relation to the temperance cause, or for any cause whatever, the connexion between the Society and himself ought to be dissolved.” Now as the Resolutions offered by Mr. Boyd, were not, strictly speaking, *appended* to his letter, as they were not written upon the same paper, nor upon a paper attached to his letter, as they were not conveyed to the meeting of the Proprietors under the same envelope with it, nor by the same means, nor through the same person, it must be admitted that to speak of them as “*appended*” to that letter is a singular use of the word; and as the offer spoken of in the Remonstrance was *not* made in his letter to the Parish of the 7th of Oct., wherein a Council upon a narrow and single issue only is proposed, but was made in the Resolutions, which, though written by the Pastor, were offered by Mr. Boyd in his own name, without any intimation that he acted under the Pastor’s authority, and were so constructed as to be, in fact, an offer or invitation from the Parish to the Pastor, it must be admitted that the declaration does not correspond to the facts, as they would be received by most persons. Still, inasmuch as the Pastor has insisted upon the correctness of his interpretation of the word “*appended*,” and inasmuch as his apprehension of the facts may, under the circumstances, have been honestly entertained, the Council do not think themselves justified in imputing to him a disregard of truth.

The “*Grounds of Complaint*” affecting the moral character of the Pastor have thus been reviewed at some length, because, in the judgment of all, and especially in his own estimation, this must be considered the most important point involved. Whether he be

continued the Pastor of Hollis-Street Society is of small moment in comparison with the question, whether or not he shall stand before the world, pronounced by the solemn judgment of his peers, as unworthy of confidence, because wanting in purity, integrity, and regard for truth. The Council are of opinion that he cannot be so regarded, and ought not to be so pronounced.

2. The second description of charges affects the Pastor's ministerial character, impeaches his fidelity in his office, and condemns the manner in which he has discharged its duties.

It will not be necessary to recite these charges, or the evidence in relation to them, so specifically as the former. It is complained generally, "that the Pastor's time and attention have been too much withdrawn from the duties of his office to secular pursuits and popular controversies; that he has preached in an unkind and excited manner upon these controverted subjects; that his general demeanor has not been such as to promote and secure peace and harmony in his Parish, but the contrary; that he has been wanting in that decorum, gravity, gentleness, and discretion, both in matter and manner, which are essential to the usefulness and respectability of a Christian minister; and that these things have so alienated the affections and destroyed the confidence of a large portion of his Parish, that the connexion ought to be dissolved." Upon these complaints two questions present themselves to the consideration of the Council; first, the justness of the complaints; and secondly, the effect it is contended they have produced, and the issue, in which it is contended they ought to end. Upon the first question, the Council are of opinion that most of the complaints are sustained in part, i. e., that there existed reasonable ground for raising the complaint. It appeared from the circumstances developed in the investigation before the Council, and will be acknowledged probably

by the Pastor himself, that he has been interested and active, as a man and a citizen, in enterprises and pursuits not coming strictly within, and more or less widely apart from, his appropriate sphere of duty and effort as a clergyman. The Council recognize, and the community will recognize, his right to do so, provided this do not cause, and be not attended with the neglect of duties that especially devolve upon him as a Minister of the Gospel. Such neglect the Council are decidedly of opinion was *not* shown. On the contrary they think that few clergymen could have a ministry of more than twenty years so thoroughly scanned and investigated, and not have more instances of neglect and evidences of inattention brought forward against him. Upon this point the Council cannot but consider the investigation, had before them, as honorable to the Pastor.

If, therefore, no neglect of appropriate duty can be proved against him, the mere fact that he has been interested and active in other objects and pursuits cannot be made matter of just complaint against him. Such interest and activity may be the means of making him more useful as a minister, and whether so or not, the office of a clergyman does not divest him of the rights of a man and a citizen; and like all other persons, he has a claim to the enjoyment, and is to be upheld in a wise, prudent and discreet use, of these rights. The question then arises, whether the Pastor has been wise, prudent and discreet, both in the use of these rights, that is, in the manner in which his interest and activity in relation to objects somewhat apart from his professional duties have been manifested, and in the manner in which he has conducted and discharged his duties as a Christian minister. The Council are not prepared to say unqualifiedly that he has. On the contrary, they think that the Pastor may be justly censured as having sometimes failed in these qualities. They think

that on some occasions and in relation to some objects, he might, without the slightest infringement of his personal independence, or of the independence of the pulpit, both in and out of the pulpit, have pursued a different course, manifested more of calmness and moderation, and through these have been more useful. They consider that the circumstances of his Parish, and the condition of things in that quarter of the city where his ministry was chiefly exercised and its influence exerted, were peculiär, and such as called for a large measure and a constant exhibition of "that wisdom which is from above, which is first pure, then peaceable, gentle, easy to be entreated, full of mercy, without partiality as well as without hypocrisy," whose fruit is sown in peace to them that make peace; and in this wisdom the Council consider that the Pastor has been somewhat deficient.

But in the ministry, as in every other office and relation of life, allowance is to be made for individual temperament; and it is to be considered probable also, that if there was sometimes a want of prudence, gentleness and discretion in the Pastor, there may have been, on the part of some of his hearers, unconsciously, a susceptibility to offence, which led them to attach a stronger meaning and to make a more pointed application of his sermons, and portions of his sermons, than was intended by him, or they could justly be made to have or to convey, and thus the difficulties have arisen from faults and failings in both parties.

While the Council consider, therefore, that there *were* not unreasonable grounds of complaint, as respects the manner in which the Pastor's interest and activity in relation to objects somewhat apart from his office were manifested, and as respects the manner also in which he has discharged some portions of his duty as a Christian minister; they are of opinion that there is not made out against him such habitual indis-

cretion, such a series of imprudences, such a continuation of conduct improper and unbecoming a Christian minister, as to authorize them to advise and say that he is no longer worthy to stand in the pulpit, which for more than twenty years has witnessed his ministrations.

3. The third description of charges in the "Grounds of Complaint" impeaches the Christian temper and spirit of the Pastor, in respect to the manner in which he has conducted the controversy, which has now for some years existed between himself and a portion of his Parish. These charges recite, "that after a difference had arisen between the Rev. John Pierpont and many of his parishioners, upon some of the subjects above mentioned, he has not pursued a kind or conciliatory course, but on the contrary has continued and conducted the controversy with his parishioners in a harsh, contemptuous, vindictive and unchristian spirit, by which the minds and affections of a large portion of his Parish are justly alienated from their minister," and also, "that the Rev. John Pierpont has in his published letters to committees, or individuals of his Parish, respecting the said controversy, been guilty of great levity, indecorum, and want of reverence for the Holy Scriptures, and his own sacred calling, by which he has justly lost the respect and confidence of a great portion of his Parish and of the public, and brought a scandal upon his office as a Christian minister."

After carefully considering all the letters and documents put into the case by the complainants, the Council do not perceive that any portion of the correspondence can be styled "vindictive," nor do they perceive any instances of intentional irreverence for the Holy Scriptures, although the Pastor has allowed himself in a use of Scriptural language painful to the feelings of this Council. With these exceptions, the Council are of opinion that these charges are in a measure sustained. Subsequently to his letter of the

20th of September, 1838, they think that there is little of a Christian temper or spirit manifested in the Pastor's communications to the Parish — that in some portions of them, there is a degree of harshness, levity, personality, ridicule and sarcasm, at variance with Christian meekness, forbearance and charity, unbecoming a Christian minister, and calculated to bring reproach upon his office and order. Whatever may have been the provocation, they think that a Christian minister should have exhibited a different spirit. Whatever may have been the motives which the Pastor supposed to influence his opponents, whatever may have been the subject, which he thought was the chief cause of their opposition, however trivial he felt justified in regarding some of the matters brought up against him, the object to which all related was the dissolution of the pastoral connexion ; and *that* is a grave, serious, not to say solemn matter, at all times and in every point of view ; and in viewing it, both parties, and most certainly the Pastor, should bring into exercise calm and Christian thoughts, the best principles and the best affections of our nature, and they think there is evidence in the correspondence, that this has not always been done by him. They feel constrained to say that in their judgment, the Pastor's communications subsequent to 1838, are not conciliatory or dignified, and that on some occasions, by communications of a different temper and spirit, if he could not have healed dissensions, he might have placed his own cause and character in a more favorable light before the community.

The Council have thus reviewed all the charges in the "Grounds of Complaint." They do not perceive that under these "Grounds of Complaint," it has been shown that the Pastor has done such wrong, or been guilty of such imprudence, indiscretion, impropriety, as to make it just and requisite that he should be displaced from his pulpit. But do not these "Grounds of



Complaint" present "reasons" for dissolving the connexion? or is it not best, all things considered, that the Council should advise a dissolution of the connexion? To this question the Council are not prepared to give an affirmative answer. They cannot entertain the idea that any great principles of vital importance to our religious institutions are involved in this, more essentially than in many other cases of dissension between a pastor and a parish. They do not consider that the freedom of the pulpit is at stake in this controversy, nor do they perceive that it is necessary for them to stand between this Pastor and his opponents to preserve the freedom of the pulpit. In an intelligent community that can never be seriously in danger, nor essentially infringed. Neither do the Council perceive that the position of the Clergy would be injured, or their just rights jeopardized, by a decision of the case before them adverse to the Pastor, on the general grounds under consideration. But they do not perceive that such decision is required or would be beneficial. It is not required, because it appeared in evidence that a majority of the worshippers in Hollis Street Meeting House, a majority of the proprietors now worshipping there, and nearly all the members of the Church, are satisfied with the Pastor. It would not, in the opinion of the Council, be beneficial, because they do not perceive that any foreign interference, the action of any power from without, can bring back peace, or be the means of bringing back peace to this divided Parish. This can only be done by the *voluntary action* of the parties themselves, and to such action the Council would earnestly urge and exhort them.

But the Pastor and the Parish are not the only parties interested. Thus far, the controversy, which has been the occasion of the assembling of this Council, has been viewed solely in its relation to the parties immediately concerned, the complainants on the one side,

and the Pastor on the other. There is another view which ought not to be overlooked, and on which the Council feel themselves constrained to make a few remarks. The parties immediately concerned are not alone affected by the spectacle of such a controversy, maintained with unusual vigor for nearly three years. The community in the midst of which this spectacle has been presented, have not been and could not be insensible to its character, or indifferent to its progress. The Christian church, far and wide, must feel an interest in the conduct of its members and the reputation of one of its ministers. The cause of religion must suffer from what has been called, in one of the documents belonging to the present controversy, "*a scandal,*" *an offence* against the peace and spiritual well-being which should distinguish the Christian body. It has been impossible to follow the history of this case, as it has been unfolded in the papers laid before the Council, and by the witnesses examined in their presence, and not observe the temper which to a sad extent has prevailed, and which such a struggle is sure to inflame, if not to beget. It has been too plainly a *struggle*, in which each party has endeavored, by ingenious argument, direct assault, and unpleasant, and sometimes bitter insinuation, to gain or secure an advantage. Undeniably, the spirit of meekness, gentleness, candor, and that righteousness, which according to the idea of the Gospel, is but another name for the charity which never faileth, has been disregarded, and injury has accrued at which the friends of religion must grieve, while others may find occasion for reproach or derision, and which years may not repair.

While the Council mean not to deny that both a minister and a people have their rights, which they ought to value, and in a proper spirit, and in a proper manner to maintain, they cannot but notice how pregnant an example has been brought before them, of the

evils of dissension between parties united by such close and sacred ties, as those which bind minister and people in a common use of privileges and a common hope of salvation. And they do earnestly and affectionately exhort those, who in the present instance, have been led into a most unhappy and hurtful controversy, to compose their divisions, to bury the past in forgetfulness, and while they accept as definite the decision to which this Council has arrived, in the exercise of their honest judgment upon all the facts brought under their notice, to "follow after the things that make for peace and wherewith one may edify another." They do not conceive that they are exceeding the bounds within which their result should be confined, when they suggest to the Pastor, the propriety of his endeavoring to bring his efforts, in behalf of the various objects not immediately connected with his ministry, into nearer correspondence with the wishes of his Parish; and upon the complainants, they must also press the duty of according to their Pastor a large exercise of his own judgment, in the selection of subjects to which he shall devote such portion of his time as the duties of his ministry may leave at his own disposal. If both the parties will adopt the course of forbearance here indicated, by which neither will sacrifice any rights, or in any degree compromise conscience, their future connexion may be marked by mutual satisfaction and common improvement, the discordant elements of this Parish may yet be united in harmony, and the interests of religion flourish again within the sanctuary where they should be fostered by the blended influences of truth and love. Wide as the schism has become between the two portions of the Parish, as well as between the complainants and the respondent, in the case committed to the Council, the breach may be healed by the culture of those feelings, which, on the one side and the other, ought to be cherished to the exclusion of harsh-

ness, jealousy, and whatever habit of recrimination has tended to produce the present state of alienation. To the culture of such feelings, and the exercise of candor, humility, and brotherly love, the Council would urge the Pastor, the Proprietors, and the worshippers in this church, by every consideration that can be drawn from a sense of their duty to themselves, to their brethren in the faith and hope of the gospel, to the interests of society, and to the cause of religion. Then may it be seen that as in the continual providence of God, so here, evil is made productive of good, as the experience of the evils and mischiefs of division shall turn the thoughts of all upon a more diligent pursuit of the Christian temper and life.

Having thus reviewed the case before them, and presented the grounds of their decision, with the advice they deem it proper to offer, the Council have only to add, in a concise form, the unanimous expression of their opinion, which is as follows :

*Resolved*, That although on such of the charges, preferred against the Rev. John Pierpont, as most directly affect his moral character, the proof which has been presented has been altogether insufficient, yet on other charges, such an amount of proof has been brought forward as requires this Council to express their disapprobation of Mr. Pierpont's conduct on some occasions and in some respects, but not sufficient, in their opinion, to furnish ground for advising a dissolution of the connexion between him and his Parish.

FRANCIS PARKMAN, *Moderator*.

A true copy from the Records :

SAMUEL K. LOTHROP, *Scribe*.

August 9, 1841.



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