

READ AND CIRCULATE.

---

BOTH SIDES:

A

FULL INVESTIGATION OF THE CHARGES

PREFERRED AGAINST

ELDER J. R. GRAVES

BY

R. B. C. HOWELL AND OTHERS,

SEPTEMBER 8 AND OCTOBER 12, 1858,

BY

A COUNCIL COMPOSED OF DELEGATES FROM TWENTY  
CHURCHES, OF CONCORD ASSOCIATION,

HELD IN ODD FELLOWS' HALL, MARCH 1—3, 1859.

TOGETHER WITH

THE REPORT OF THE COUNCIL AND THE  
ACTION OF THE CHURCH.

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NASHVILLE, TENN. :

PUBLISHED BY ORDER OF THE SPRING STREET BAPTIST CHURCH.  
1859.

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# THE EXAMINATION.

## PROCEEDINGS OF THE CHURCH.

TUESDAY, March 1, 1859.

IN pursuance of a call by the Spring Street Baptist Church on the Churches comprising the Concord Association, the Church assembled at Odd Fellows' Hall, at 7 o'clock P. M.

Opened with singing and prayer.

On motion of Bro. J. B. Rutland, Bro. M. F. Ham, of Kentucky, was requested to act as Moderator for the Church until the Council was organized.

The roll of the different Churches comprising the Concord Association being called, the following Churches answered by sending delegates :

*Pleasant Grove*—Elder R. R. Barton, T. H. Estes.

*Concord*—James G. Mitchell, S. M. Barnes.

*Mill Creek*—Elder E. D. Stephenson, G. W. Everett.

*New Bethel*—James S. Hitt, W. B. Trenary.

*Bethel*—E. A. McNeal, R. Tucker.

*Rutland*—H. Carver, M. C. Rutland.

*Little Cedar Lick*—M. J. Green, D. E. Smith.

*Antioch*—J. M. Fitzhugh, J. M. Baker.

*New Hope*—G. W. Hagar, P. Melville.

*Bradley's Creek*—Elders W. H. Grimmet, J. J. Martin.

*Union*—Elder John Bond, J. N. Edwards.

*Cherry Street*—Elders R. Ford, T. B. Ackerman.

*Spencer's Lick*—E. M. Vaughn, John Bates.

*Fellowship*—John Sanders, J. B. Goodwin.

*Salem*—Elder N. M. Green, B. F. Butler.

*Sander's Fork*—J. F. Wheldon, B. A. Hancock.

*Mc Crory's Creek*—Elder E. W. Haile, L. D. Baker.

*Mt. Olivet*—J. T. Gambell, J. E. Lanius.

*Murfreesboro*—Neri Lowe, James F. Fletcher.

*Enon*—B. Ferguson, N. B. Reid.

The delegates present having been duly recognized by the Spring Street Baptist Church, proceeded to organize by electing Elder J. J. Martin, Moderator, and Elder T. D. Jones, Secretary.

On motion of Brother James F. Fletcher, of Murfreesboro, visiting members of Concord Association, and members from other Baptist Churches, were invited to participate in the deliberations of the Council.

Elders R. M. Whitman, J. M. D. Cates, L. H. Bethel, A. D. Trimble, M. F. Ham, of Kentucky, J. M. Pendleton, N. A. Bailey, J. H. Cason, J. J. Greer, and Brethren E. H. Jones, L. B. Fish, Dr. N. Conn, of Kentucky, E. J. Fields, H. R. Buchanan, J. P. Todd, W. W. Kidd, J. H. Ferguson, John Ivy, B. F. Jones, accepted the invitation.

The Moderator then declared the Council ready for business.

After some preliminary discussion as to the manner of conducting the examination, Elder John Bond rose and called upon the Moderator to request the accusers of Elder Graves to come forward and present their charges, and prosecute him before the Council.

The Council was informed that the parties prosecuting had been respectfully invited by a committee of the Church to unite in the call for the Council, and to appear before this body to prosecute Elder Graves, but they refused.

Elder Graves said, though his accusers were not present to prosecute him *viva voce*, they are yet here. In this document [holding up a copy of the published "trial"] is all they would be allowed to say were they present. He was prepared to defend himself against all the charges preferred by Elder Howell and others, found in it.

On motion, Elder Graves was permitted to defend himself against the charges found in the printed document published by the First Church, and called the "Trial of Rev. J. R. Graves."

Elder Graves then addressed the Council as follows :

### FIRST PLEA IN DEFENCE.

#### QUESTION TO BE DECIDED :

*Was there or was there not a combination on the part of Elder Howell and the anti-Landmark party in the First Baptist Church to ruin me, by foul means ?*

## BRETHREN OF THE CHURCH AND COUNCIL :

It is with feelings of the profoundest gratitude to Almighty God, perhaps ever felt by me, that I rise before you to-night. Gratitude, brethren, that the laws of our land and the genius of our Church polity allow me to speak for and defend myself, before an impartial tribunal, against the alleged charges and imputed guilt of enemies who have long and sedulously planned my destruction. Accept the thanks of my heart for your presence upon this occasion to assist the Church in a full and fair examination of all things whereof I am charged before the world. I have never sought to avoid a scriptural trial, but have demanded it in vain of my accusers. I have refused to submit or be a party to an unscriptural procedure, preferring to be condemned and expelled at once, for contempt of assumed jurisdiction, rather than to do aught that could by any be construed into a sanction of a violation of the explicit laws of Christ.

I at once asked the orthodox portion of the Church that withdrew in resisting the illegal process adopted, to institute, at the earliest day possible, an impartial examination into all matters charged. I believe that every member of the Church with which I stand connected will promptly give his voice against me, if the testimony fixes guilt upon me, and I pray you will have grace to do it. And I cannot but regard this Council as impartial. Every Church in the entire Association has been called upon to select two of the most experienced, judicious, and impartial of its members to be present at the Council, and advise the Church. If any one of you should have any bias in my favor through sympathy or friendship, I exhort you to lay it aside, and decide upon the testimony presented upon both sides as though the solemn obligations of an oath rested upon you. If you find me guilty, hesitate not to convict; if guiltless, vindicate my innocence before the world.

My accusers\* were cordially invited to unite with the Church in calling this Council, but they refused. I have invited any one or all of my accusers to appear and prosecute me here to-night, but I stand before you like Paul (when he appealed from the tribunal of Felix) stood before Cæsar in chains, no one appearing to accuse him. The Jews had cast him from their synagogue and driven him from their nation, and seemed to be satisfied.

But the entire prosecution is in your hand. You have in your hands† every charge and all the testimony that my accusers would be allowed to present were they here in person to prosecute me with the living voice. You learn from that pamphlet that I have been excluded from the fellowship of the First Baptist Church in this city for grossly immoral and unchristian conduct, in four distinct cases; included in which are the charges, that I have not only uttered and published sundry foul and malicious libels against Elder R. B. C. Howell, but slandered and abused certain distinguished ministers belonging to our denomination; and that, after an impartial trial by those to whom it was a most painful

\* Elder Howell's Church was invited.

† The published Trial, containing charges, testimony, arguments, and decisions of Elder Howell's party.

task, I was unanimously found guilty and expelled from the Church. All of this has been carefully prepared and published in a book, as material for the future historian, to be embodied in the history of the State, to be deposited in the archives of the denomination for the inspection of future ages.

Surely I owe it to myself and to truth; to an aged mother; to a brother and sister; to a large circle of relatives living in almost every State in this Union, never before disgraced in one of their blood by such charges; to those brethren who have been and who are now associated with me in business; to thousands of friends, and to *future* Baptist history, to wipe these foul stains from my name.

In placing my defence before you, I beg to be allowed some latitude, and to correct many false statements of the prosecutor to my prejudice in this published trial, not absolutely necessary to establish my innocence of the charges. It also seems important that you have a full history of this "trial"—of the circumstances that led to it. Without this history, neither you nor the public that will sit in judgment upon your decision will be prepared to render an intelligent and truthful verdict. This so-called "trial," I am convinced, stands forth without a parallel in written Baptist history. You may search our records in vain for any thing that approaches it in most of its features—and to the honor of Baptists be it said. The following are some of its distinguishing features:

1. The length of time the party that acted in the "trial" has been preparing to secure this result.

2. The circumstances that have been connected with, and by which the act was consummated.

3. The number of men in official position in this and other cities that have been advising and coöperating with the dominant party in the First Church, to secure my exclusion.

4. The aims to be accomplished by my overthrow.

5. The men whom it was thought necessary to be destroyed with me, or driven from the State.

6. The singular means for Christian men to employ to effect such purposes!

7. The facts connected with the bringing on of these charges, and the change in the original ground on the part of the prosecution.

All these will be evolved in the course of the investigation.

To get my defence before you in due form, I enter here my first plea.

*PLEA 1.—My ruin was determined upon and avowed, and the very plan adopted by Elder Howell, doubtless at the instigation or advice of a party in the First Church, long before I had written the first paragraph which he has made the ground of his personal complaints against me; and I furthermore plead, that however innocent of guilt or error, the result that has been reached by Elder Howell and his party would have been easily arrived at by the means and influences employed by Elder Howell.*

I will illustrate the correctness of this plea. A man has been killed under very peculiar circumstances by his neighbor, a very respectable

man. The parties had been hunting in a wood remote from the settlement. The neighbor who committed the deed pleads that he did it in self-defence. He produces an array of circumstantial evidence to support this plea: his face is disfigured with divers scratches, his clothes cut and torn, and a bullet-hole in his hat, very near his head; the murdered man is found with a knife in his hand, and his gun discharged. But could it be proved that this neighbor bore malice against that man; that he had been heard to declare, upon more than one occasion, his intention to kill him—had even avowed that could he induce him to hunt with him he would do so; if it could be also proven that the knife in the hands of the murdered man was the property of the murderer, and that the size of the bullet-hole in the murderer's hat showed that it must have been shot from his *own gun*, would it not place the transaction in a very clear light? Would any thing more be necessary to establish the guilt of the murderer, and refute his plea of a premeditated assault on the part of his victim?

#### PERSONAL HISTORY.

I came to Nashville, with my family, on the 1st day of July, 1845, bearing credentials from the Mt. Freedom Church, Jessamine County, Kentucky. My object in stopping in Nashville was to teach until a wider field of usefulness as a minister opened to me. I knew not a person in the city. Elder Howell was absent from the State, nor did he return for some two weeks after. Meantime, I had, unaided and alone, but with great difficulty, found a house which I rented for an academy, and published in the city papers that I would open a Classical and Mathematical school. When Elder Howell returned I called upon him, and was received with great dignity and apparent cordiality. I informed him who I was, and that I had opened, or was about to open, an academy, and offered to teach his scholars gratuitously. I knew that he could, if he saw fit to do so, fully remunerate me for tuition, by noticing my school in his paper and commending it to his Church and congregation. He accepted my offer, and sent one scholar, Morton, I believe, during all the time I taught, until the winter of 1846. If ever I needed assistance, or a kind word spoken for me by Elder Howell in the paper, I did during the first session of my school. I was a stranger with no other means of support, yet determined to settle permanently in Nashville; but if he ever noticed my school in his paper, or commended me to the favorable regards of his patrons by one line, I have never seen that line; if by one *word* to his Church, I have no recollection of having heard of it. The only assistance or countenance he ever gave me, by word or act, that I am conscious of, was receiving the tuition of his scholar *gratis*. Only three families connected with Mr. Howell's Church patronized my school, and paid me tuition, which is proof if Elder Howell had any influence to exert, he did not exert it for me.

While boarding with Brother C. C. Trabue, I heard, but not from Elder Howell, of a little handful of Baptists who held prayer-meetings in South Nashville, and ascertaining the night of their meeting, I visited them, and exhorted and prayed with them. They seemed much pleased

with my visit, and begged me to repeat it, which I did, and at last consented to preach for them upon a Sabbath. At their request I preached for them occasionally, until, in November, 1845, I yielded to their entreaties and consented to become their pastor—teaching my school for a support, for they were not able to pay a salary. The Church was in a very low, despairing condition, consisting of only eight males and seventeen females, and very *poor*. If Elder Howell had any agency in introducing me to this little feeble yet pious and devoted band of brethren, I never knew it. I sought them out, and when I found them pious though humble, I joined myself to them.

On the 2d of November, I invited Elder Howell to be present and talk to the Church, etc., upon the occasion of my inauguration as pastor, which he did, and for the first time noticed me as a minister. The notice was in these words :

The pastor, who is lately of Kentucky, although quite young, [in my 26th year.] is thoroughly educated, exemplary in piety, ardently devoted to his work, and not without some ministerial experience.

This was the only notice he took of me in 1845, my first year in Nashville!

January 4th, 1846, Elder Howell was invited to assist in the ordination of some deacons and participate in the Lord's Supper, which he did in the afternoon, when he noticed the fact that my mother and eleven others united with the Church, and that upon that day *the Church more than doubled its strength*. He also predicted for the Church, with God's blessing, a career of great prosperity and usefulness, and not omitting to state how carefully *he* had nursed it from its origin.

The only notice Elder Howell took of me until I became editor of the Baptist, November 21st, 1846, was, that I had taken down in short-hand all the sermons of J. L. Shuck and Yong Seen Sang, and, considering all things, had "performed his task admirably;" that upon a certain Sabbath I had baptized five persons. I state these facts because Elder Howell claims that he "made me," and that my success in this city and my getting a pastorate here, was so largely owing to his efforts in my behalf! *Neither my success in teaching nor my connection with the Second Church was in the least owing to his aid or influence*. Though he noticed and commended other private schools in Tennessee and Kentucky, and even in Ohio, he never noticed mine by a line, though, poor as I was, I was giving him the tuition of his son! I should never have mentioned this singular fact, had not Elder Howell charged me with the sin of ingratitude for the distinguished favors and assistance he bestowed upon me at this time! Never did *friend* do so little for a friend and brother, or claim that he had done so much.

At the General Association in the fall of 1846, the paper was so involved in debt and such a burden to edit, that Elder Howell refused to edit it any longer; and the Education Society reported that the paper must change hands, or inevitably go down. The question may as well be settled here as elsewhere. Was "The Baptist" the property of Elder Howell? and did he give it, or any part of it, to myself and A. B. Shankland, as he

affirms; or was the paper the sole property of the Education Society of the General Association of Tennessee? and was I not elected to the editorship by a Committee appointed by that Society, not by Elder Howell?

The paper transferred to us was called "The Baptist," and NEVER DID BELONG IN WHOLE OR IN PART TO ELDER HOWELL, or there was an intention to deceive the people. I submit to you No. 1 of Vol. I., and upon its frontispiece you read this inscription:

"THE BAPTIST.

"Published for the Tenn. Bap. Ed. Soc. C. K. Winston, J. H. Shepherd, J. H. Marshall, Committee.

"R. B. C. Howell, W. Cary Crane, Editors.

"W. F. Bang & Co., Publishers."

This settles for ever the question, as will every issue of the paper for the whole volume, and as will every report of the Committee to the Education Society. At the General Association that convened at Enon, October 25-27, 1846, this Committee made the following report: (see Bap. Vol. III. Nov. 12, 1846.)

The Committee appointed to conduct and superintend the publication of The Baptist now read their report, which was received, adopted, and ordered to be published. It is as follows:

"The Committee to conduct the publication of The Baptist, REPORT—

"That at the close of the second volume in August, arrangements were made with Messrs. W. F. Bang & Co. to continue its publication upon the terms of the former year.

"We find that the receipts of the paper will be sufficient to defray the expense of its *publication*, but that it does not, and probably *will* not, afford any compensation to an editor.

"Brother Howell has gratuitously, but cheerfully, given it such attention as his other engagements would allow, though he has not been able to make it at all such a paper as he desired. He desires now to be relieved from the burden of the situation.

"It is evident that the services of a competent editor cannot be secured without a large increase of the subscription list and receipts; and we are of opinion that the most effectual mode of accomplishing these, will be to commit the publication to some individual who would devote to it his whole time and energies, and depend on the proceeds of the paper for remuneration.

"We recommend, therefore, that the subscription list be relinquished to any suitable person or persons who may be willing to undertake the editing and publishing of the paper—the list to remain the property of the Education Society, and to be withdrawn should the paper not be satisfactorily conducted.

"Respectfully submitted:

"C. K. WINSTON, Chairman."

The following were offered by Dr. Crosthwait, which were extensively considered, discussed, and adopted:

"*Resolved*, That the Committee of Publication having charge of the publication of The Baptist, shall consist of five persons; that they be authorized to employ an editor and publisher, and to have the paper published at any convenient point in the State where it can most profitably be done.

"*Resolved*, That until such arrangement is made, the present shall stand."

The Society then appointed as the Committee of Publication, Dr. C. K. Winston, Chairman, Samuel H. Scott, J. H. Shepherd, Dr. G. D. Crosthwait, and David D. Bell.

Shortly after the Association, Dr. C. K. Winston called me out of my school-room, and informed me, to my astonishment, that I had been elected editor of *The Baptist*; and said the Committee had selected A. B. Shankland to be associated with me in the joint proprietorship of *The Baptist*, and would transfer the Book Depository of the Publication Society to us at prime cost, making us joint Agents, etc.; that we could conduct a large denominational book-store in connection with the publication of the paper. I asked what salary was provided, and was coolly informed that we were to look to our profits for our support! I exchanged but a few words more with the Doctor, informing him that I had heard the speech of Elder Howell at the Association, when he in positive terms refused to edit the paper longer; that all regarded it a dead failure; and it was preposterous to call upon me to give up my only means of support and sacrifice my little property in attempting to keep up a paper that *Dr. Howell* could not keep up; and moreover, whatever its condition might be, I had no experience as a writer nor editorial talent, and that I was fully discharging my duty by supporting myself while I was building up a Church in a very important part of our city, and went back into my school-room.

This joint enterprise was again and again urged upon me, alone and in company with Mr. Shankland, and becoming at last somewhat enlisted, we conversed about it together and compared possible plans. The Committee assured us that ultimate success would certainly follow, if we prosecuted these interests with our wonted judgment and energy; that they were satisfied that we possessed the very talents necessary for the management of them, and moreover they promised to assist us from time to time with credit, etc. All these things were duly set forth to overcome our reluctance and fears. The great and inviting field was mapped out before us, of which Nashville is the geographical centre; and above all, the crowning argument was the enlarged sphere of usefulness as Christian men it opened to us, should we succeed.

The result was that at last we accepted; both relinquishing every means of support—Mr. Shankland his store and I my school, giving our full hearts and efforts to the prosecution of these interests, and trusting to Providence to provide for our wants.

The paper, with "*its dues and liabilities,*" was made over to us by the Publishing Committee of the Education Society. Upon these terms we were to possess, without fee, all the interest the said Society had in *The Baptist*, which only amounted to one thousand and six subscribers all told, so long as it advocated the orthodox faith; provided, whenever the paper advocated heretical doctrines, it should return to the said Society, upon payment to us of the assessed value of the increased subscription list. The Depository was made over to us, upon our paying first cost of all its books on hand, which was a hard bargain, and pay \$100 for estimated services rendered by its colporteur in procuring subscribers to the Baptist—double the value of the whole subscription list transferred to us.

The exact amount of indebtedness of the paper, at the time of the transfer of the legal right, is not known to me, if it ever was. But when

at last we did get the paper with the subscription list and books into our hands, in the spring of 1851, I was impressed with the, to me, astounding fact that about \$5000 had to be paid in cash, or in well-secured notes, before we could be put in possession and control of the paper and its books. For this sum we executed our notes, which were endorsed by C. K. Winston and B. Winston.

The toil, the labor, the consuming anxiety, the pinching want, and unthought-of sacrifices that we underwent for many long years in wearing down this mountainous debt, are only known to ourselves and the God we thought we were serving.

I labored abroad, getting sale for our books and new subscribers for the paper, while Brother Shankland remained at home performing herculean labor—managing the finances. To his indomitable firmness and financial ability, and the timely aid of one never-to-be-forgotten brother,\* the concern was kept from going down.

The general state of the paper can be gathered from a card published by this Committee, May 8th, 1847, advocating the folio size which we had given the paper:

It will be read by hundreds who would not open it in its previous form, and will impart energy and zeal to its editors; and more, it will save the paper from *premature death*. Had it continued in its previous form it could not have existed two years longer.

They might as well have said, unless they had found brethren willing to assume its indebtedness, it would have died six months ago. I found the following in a card written and published by the Publishers, June 26th, 1847, during my absence, which gives a clue to the state of the paper when we took it, and which was not denied by Elder Howell or the Committee, or any one else known to us, until within the last few months!

In November last, when we assumed the publication of the paper, *as well as the debt it had run* itself into, we found that for several months previous its subscription list had been constantly diminishing, and unless some new extraordinary demonstrations were soon made in its behalf, it was a matter of doubt whether the paper could be continued beyond the present volume.

This article was written for the publishers by Elder Howell or by W. F. Bang himself, was the impression of Mr. Shankland. I was absent. At the close of the first year it was found that the paper was rapidly gaining in popularity and extending its list.

The first note of disapprobation that fell upon my ear was the fact stated to us, that one of the Committee of Publication had torn a copy of the paper into shreds in his grocery, and trodden them under foot in the presence of brethren. We learned that the cause of offence was an article against Baptist deacons making, or *selling*, or drinking whiskey. I was not apprised at the time that this deacon sold whiskey, I only *knew that he was one of the most liberal givers to the pastor's salary*. Those connected with this deacon, as well as those under his influence, became from that day alienated from me.

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\* B. Ferguson, of Rutherford County, who loaned us \$1000 to meet an execution which enabled us to turn a point.

Shortly after this I was given to understand that Elder Howell was disaffected and cold toward me, for my editorial course. I published that Elder Howell was in no way responsible for any article not signed "H." He subsequently withdrew his name from the paper without consulting me, and I demanded no explanation. I was satisfied that the success of the paper would not be affected by it. I wished to avoid any misunderstanding with Elder Howell. He knew that he could not possibly complain of any thing I had done, or said, or written to *his* injury. I submit it, however, for you to say if it would not have been more like the part of a friend and brother, if Elder Howell had advised and admonished me privately, if he thought I was pursuing a wrong course, rather than privately to wound me and seek my displacement? I was his friend, as the columns of *The Baptist* will abundantly show. I did all I could to advance his reputation, and I encountered the stiff pen of Brother Baker in Brother Howell's defence. I have ever been open to advice. I have ever gratefully received counsel, but not *dictation*, from all. When I took the paper, I understood that I became proprietor as well as editor, subject to the control of no man or Committee. I would receive it upon no other grounds. I have cheerfully and courteously listened to the suggestions of our brethren in this city and elsewhere; but nevertheless, have ever felt called upon to exercise my own judgment.

I understood and saw clearly enough, before Elder Howell left this city, that he was not friendly to me as an editor. Our list had increased to thousands. What influence the success of the paper under my direction may have had in inducing his feelings towards me, I cannot say. You will see, in the course of the examination, that he took grounds against me because I was not entirely subservient to his wishes; because I saw fit to exercise my own judgment in editing the paper, since I had the evidence before me that Elder Howell's judgment would not contribute to its success.

This deacon left for Charleston, S. C., and was soon made a manager of the Publication Society. Elder Howell left for Richmond. I was elected pastor *pro tem.*, until a successor arrived. From this time until 1854, there seemed to be a good degree of fellowship among the brethren of the First Church.

#### EXTERNAL HISTORY.

About this time a sharp discussion took place between the Tennessee Baptist and the *Western Review*, published in Louisville, Kentucky, and edited by J. L. Waller, upon the validity of the immersions of Pedobaptists and Campbellites. Elder Waller advocated the validity of such, and I denied. The remembrance of this had not passed before another, and it proved a far more exciting, question came up. The Tennessee Baptist denied the consistency or expediency of inviting Pedobaptist and Campbellite ministers into our pulpits to preach for us, and to seats in our Associations and Conventions, to assist us by their counsels! which positions met with no favor from that periodical. Very

soon a series of articles appeared from the pen of J. M. Pendleton, then of Kentucky, demonstrating the impropriety of pulpit communion with Pedobaptists. These articles Elder W. attacked with great warmth, which very naturally excited and enlisted all his personal friends against the positions. These articles were collected into a small tract, which I entitled "An Old Landmark Reset." Of this I had proofs taken before it was published, with the design of having it published by the Tennessee Baptist Publication Society. These proofs were given or offered to the members of the Publication Board for their more careful examination and endorsement, if they approved. There were quite a number of brethren in the Church from Kentucky, and the warm friends and ardent admirers of Bro. Waller—C. K. Winston, J. D. Winston, Samuel M. Scott, W. P. Jones, B. Winston, D. Y. Winston, R. S. Anderson—four or five of those first named were members of the Publication Society or Publication Board. These brethren, I believe, without exception, opposed the publication of this tract—some bitterly and with evident feeling, and one of them, who confessed he had *not* read the articles, and would not take the proof to read! I saw that it was an understanding to prevent the publication of the tract by the Publication Society, and, therefore, published it with the imprimatur of Graves & Marks. All the other members of the Board, except those from Kentucky, endorsed the tract. This is my recollection. The misunderstandings and personal feeling growing out of the tract, were the cause why the Tennessee Baptist Publication Society has ceased to publish tracts and books, and made no further effort to collect the bonds given and due. The funds collected have, however, been secured, and interest paid annually to all the contributors who have felt interested enough to apply for it.

At length, in the fall of 1854, an open assault was made by one of these men, W. P. Jones, seconded by only one man, W. H. Shelton, of the most virulent character. The assailant met a most signal defeat. The Tennessee Baptist and its editor were unanimously sustained. When thus vindicated from his attack, I offered this W. P. Jones my hand, in pledge that, on my part, all that had been said should be buried for ever. He refused to take my hand, and it was reported to me that he remarked, during that session of the Association, that he should prosecute his purpose, and if he could not accomplish it in one, he could in ten years. The disaffection of the Kentucky brethren in the Church was made malignant by the mortification of a defeat, and it silently grew and fed upon a deep-seated opposition to what was then called the too strict and too high Church principles and practices advocated by the editor of the Baptist and his correspondents, and the loss of influence on the part of these men, owing to the stand they had taken. This state of feeling by this Kentucky party, and those whom they could influence *in* the Church and *out of it*, continued until the spring of 1857, when a correspondence was opened by them with Elder Howell, of Richmond. It will be revealed at the last day. Elder Howell consented to visit the city on his return from the Biennial Convention. He did so, and spent several days in this city, and he confesses that he was while here *appealed to in such a way as* that he felt that duty demanded his com-

pliance. He resigned his charge in Richmond, and in a few weeks returned to this city.

That it was the understanding between Elder Howell and this Kentucky party in the Church, that Elder Howell was to use his influence to put down the editor of the Tennessee Baptist, his paper, and the South-Western Publishing House, crush out Old Landmark principles and influences, and restore these men to influence in the denomination, I think I can establish beyond a doubt.

That it was the understanding of this party, I submit the following proof from Dr. P. F. Norfleet:

Brother Scott, in a private conversation with me, soon after Dr. Howell had consented to come back to Nashville, said, among other reasons why he wished it, (was) on your account and old landmarkism. I mentioned this to one or two brethren, but did (not) expect it to be made public; but, as things have gone so far, and Mr. Scott has said such hard things in his charges against you, in your Church trial, I think it is right for me to testify, if your Church wish it.

P. F. NORFLEET.

PORT ROYAL, Feb. 19, 1859.

I introduce, verbally, the testimony of a citizen of this city, now absent, if I may be permitted to procure it in writing, and insert it in the published defence. There are those before me who can correct me, if I state incorrectly. (Leave was granted.)

About the time arrangements were being made to get Elder Howell back, Dr. J. D. Winston remarked to a citizen, that Elder Howell was the very man to get back here; that he could ride over Graves and his party rough-shod. This is his testimony substantially.

That Elder Howell had consented to the plot, or had himself concocted it for these men, and had determined to execute it, I submit the testimony of Elder Bailey:

BROTHER A. B. SHANKLAND:

DEAR SIR: Your favor of the 16th instant is before me, and I hasten to reply. I have written a letter recently to Brother Graves, making a full statement of the conversation alluded to, but I will write the same to the Church, and will take the occasion to present my reasons for communicating this information, as it may be said that it was a *private* conversation, and, therefore, I should not repeat it. I will assign my reasons:

First. By examining Wayland's Elements of Moral Science, page 271, you will find that he says, "We are bound to speak of the faults of others, 1. To promote the ends of public justice. 2. To protect the innocent." It is unnecessary to give the reasoning of Dr. Wayland upon those two points. The statement of them will be sufficient.

My second reason is this: I read, if I mistake not, in one of Dr. Howell's speeches, as published in his organ, a statement of this kind: "When I (Howell) returned to this city from Richmond, I came with the best of feelings toward Mr. Graves, and determined upon treating him with all the respect due him, as a gentleman, a brother, and a minister." [I only give the idea as I recollect it, and not his language.] Such a statement as that, made to the world through the press, is calculated to make a false impression, that Brother Graves is a very bad man, and he could not possibly get along with him. You will see from the statement I shall make, whether such were his real feelings or not.

I will now give you the substance of the conversation between Mr. E. P. Walton and myself.

During the latter part of July last I was on my return from this place to Mount Pleasant Church, Lawrence county, Alabama, of which I was at that time pastor. Meeting with Mr. Walton, in Athens, I invited him to take a seat in my buggy, and accompany me to that church, and assist me in a protracted meeting. He accepted my invitation, and while going, the conversation turned upon the difficulty between Brother Graves and Dr. Howell. I remarked, I thought it very unkind and uncalled for in Dr. Howell to make the unjust insinuation, that Brother Graves was prompted by mercenary motives in his action at the Sabbath-School Convention. He replied, Dr. Howell did not *say he believed* he was prompted by such motives, yet he (Howell) did believe he was; that Howell told him (Walton) that he had long regarded Graves as a man rotten at heart, and he determined when he left Richmond to expose him. Walton told him he ought, if such was his opinion and determination, to have commenced his expose of Graves before leaving Richmond, for every blow he struck at Graves now would return with double force upon himself; that the people would think he was prompted by envy and prejudice.

He said he himself, *i. e.*, Walton, was no man's man. He was a friend to both; that he was not prepared to believe the charges alleged against Brother Graves; if they were true, he was certainly a very bad man; but there was not sufficient testimony to satisfy his mind respecting them. He regarded Brother Dayton as the worst persecuted man living; that these assaults made on him by those editors and the Bible Board were wicked; that those assaults were not made upon Brother Dayton because they believed he was guilty of wrong-doing, but they wanted to kill him to reach Brother Graves; for they knew they could not hurt Brother Graves while Brother Dayton, with all his popularity, stood by him and sustained him. This is the substance of the conversation we had. I have not attempted to give the language of Mr. Walton, but simply the ideas he presented, which I hereby vouch to be correct.

The impression made on my mind was, that Dr. Howell had determined in his mind before he left Richmond to crush Brother Graves if he could; and that there was a deep-laid plot to effect his ruin, even if it cost the sacrifice of Brother Dayton.

I will try to be with you at the meeting of the council, but it is uncertain whether I can or not. May God bless you and assist you all, in your investigation

Your brother in Christ,

FAYETTEVILLE, Feb. 24, 1859.

N. A. BAILEY.

Also that of Elder Benson:

ELDER J. R. GRAVES:

DEAR BROTHER: As an act of justice to yourself and character, and as I sincerely believe that you have been for months most shamefully assailed and persecuted, I, therefore, feel it my duty to place in your hands the following testimony of my wife and self, touching Dr. Howell's premeditated attack upon you, which you are at liberty to use as you may wish.

Elder E. P. Walton, when at my house last summer, stated to me, in the presence of Mrs. Benson, that he believed the attack of Dr. Howell was premeditated before he left Richmond. He (Walton) said, that he saw Dr. Howell in Richmond a short time before his return to Tennessee, and he (Howell) said, "Brother Walton, I reckon, it is now certain that I will return to Tennessee." Brother Walton replied, "Brother Graves and you will be two great men in Nashville." He answered, "No; we cannot work together. If I go back to Nashville, Graves must be killed off. I have the plan, and it will work." This is what I believe he said; I have given you according to my memory his (Walton's) words.

Yours, fraternally,

E. W. BENSON.

The above conversation, as here detailed by my husband, I heard, and do certify it to be substantially true, according to my best recollection.

FEBRUARY 3, 1859.

G. S. A. BENSON.

The fifth proof—at the time convincing proof to my mind—that a hazardous and doubtful undertaking had been decided upon, was the salary and *bonus* demanded by Elder Howell, \$2500 per annum, for five years in succession, secured by individual notes, and a bonus of real estate *in fee simple*, to the value of \$6500 or \$7000, making in all the handsome little sum of \$19,000 for five years' services, duly secured! This sum given, when the Church had never really felt able to pay \$1200 per year!

It was part of the plan adopted by Elder Howell, and which he was so confident he could work, to drive both Elders Dayton and Pendleton from the State, both exercising a powerful Old Landmark influence through the Tennessee Baptist. By this means he thought to weaken the hands of the editor of the Tennessee Baptist, and prepare the way to dispose of him with less difficulty, he being a member of Elder Howell's Church. The plan evidently was, to embroil me in personal controversy with several Baptist papers, and with several prominent Baptists, as Tusstin, Dawson, Everts, and Henderson, who were to attack my personal character and editorial course, and after things were properly confused in the popular mind, and no little prejudice excited against me, because of the number of editors and distinguished men opposed to me, and whom I opposed, these men, and all others with whom I had ever had a controversy, were to call upon Elder Howell and his Church to avenge, upon my head, their alleged wrongs, by expelling me from the Church, upon the charge of slandering them, and railing against dignities. In the meantime Elder Howell and party were to ply me warmly at home, so soon as an opportunity offered or could be originated.

Professor Pendleton, I have said, was to be driven from Union University, and, I may add, by as unprincipled a stroke of cunning Jesuitism as was ever contemplated by it. But I will not comment. The world I know will be shocked by the bare statement of the plan proposed to President Eaton by Elder Howell to get rid of Prof. Pendleton, not because he was unsound in theology, for he endorses his orthodoxy, but because he was an Old Landmark Baptist.

MURFREESBORO, Feb. 22d, 1859.

A. B. SHANKLAND, Esq. :

DEAR BRO. :—In answer to yours of the 16th, (inst.,) I have to say that some time during the month of October, (1858,) there was a meeting of the Board of Trustees of the Tennessee Baptist Female Institute, at which our departed brother, J. H. Eaton, was present; and I (having heard that Dr. Howell had proposed to him, Eaton, to resign and let the University go down, etc.) took occasion to ask Brother Eaton what was said to him on that subject by Dr. Howell. He replied that, "during the course of Theological Lectures delivered here (Murfreessboro) last winter, Dr. Howell said to him, 'Hold on to your position and let the University go down, and get *Pendleton* out, and we will take hold of it and build it up and put it on a better basis than it has ever been.'" Why, said I, Brother Eaton, that was worse than asking you to resign and let it go down; for it was asking you indirectly to act corruptly and in bad faith to the Trustees. "I know it," said he; "and I told him, that so long as I remained connected with the University, I should use every effort and strain every nerve to sustain and build it up." He also remarked that "he asked Dr. Howell if Brother Pendleton was not *orthodox*; if so, why he wished to get him away?" to which Howell re-

plied, "O, yes, he is orthodox—I have no objection to him on that score, except his *Old Landmark* notions;" and he did not know as he had any on that score, as he had never examined the subject; and it might be, upon an examination, he might agree with him; "but," said he, (Howell,) "he (Pendleton) is not acceptable to the denomination in Tennessee, and I want to get clear of him."

The conversation above detailed took place in Dr. King's office, in Murfreesboro, in the presence of J. M. Pendleton, D. H. Selph, Dr. R. W. January, Dr. J. W. King, Prof. Geo. W. Jarman, B. F. Jones, and, I think, Elder L. Jordan, and perhaps some others that I have now no recollection of. The above is substantially if not the exact words of the conversation you have asked me to give in writing.

Very truly yours,

JAMES F. FLETCHER.

I was well aware that nothing short of the most indubitable testimony could convince you that a minister of the gospel of Christ, and a distinguished Baptist minister, the President of the Southern Baptist Convention, whom we have all looked up to with respect, would be capable of making such a proposition to a brother minister, in effect for him (President Eaton) to play the part of the blackest villainy and treason to the denomination—ruin our University—with the interests of which he had been put in sacred trust—to starve out and drive from the school a man obnoxious to Elder Howell because of his too strict Baptist principles and friendship for an individual whose destruction he had determined upon, cost what it might.

But suppose President Eaton had consented to execute Elder Howell's plan, and in subsequent years, if not months, the facts had come to light—as such things will come to light—how would he have stood before the denomination and the world? a base hypocrite! a disgraced and hopelessly ruined man! But the end accomplished, what would Elder Howell have cared?

President Eaton was shocked at the proposal, and so scorned it that he could not refrain from communicating it to the Trustees and others. Failing to get rid of Prof. Pendleton by this means, all must conclude that he desired the failure of my agency to endow the Chair Professor Pendleton occupied. All can see if Elder Howell could entangle me in a personal difficulty, and get it into the Church, and keep me out of the field until the first of January, that his object would thus be accomplished—since Professor Pendleton had handed in his resignation to take effect on the first of January, unless the Chair was fully endowed. This was his last hope to remove Professor Pendleton. That I was arrested by a Church trial shortly after I entered the field, and was successfully prosecuting my agency, all know.

That the removal of Elder Dayton, as Corresponding Secretary, or the removal of the Board to Charleston, or Richmond, was a part of the tragedy, we are left without a doubt. I have submitted the testimony of E. P. Walton, whose veracity is endorsed by Elder Howell and his party.

To a prominent and intelligent sister in the First Church, Elder Howell made the following revelation of his plan to remove the Bible Board—the preliminary step to which, was the removal of the Corresponding Secretary.

In the course of a conversation held with Dr. Howell, in June last, I strongly reprobated the action of the Bible Board in Elder A. C. Dayton's case; and remarked, that it was a shame the way they treated him—a man so mild in his manner, and so little disposed to quarrel, as he was. The Doctor said, that they (the Bible Board) did not treat him ill—that he only imagined he was ill treated—and he would not even do that, but for the influence of others, (knowing he meant Bro. J. R. Graves.) I told him I did not care what they said about Bro. Graves; for he was able enough to defend himself, and was able enough for any of them; but for patience' sake to let Brother Dayton alone. Dr. Howell then said, "I am President of the Bible Board, and will use my exertions and influence, by introducing a motion, to have the Board removed to Charleston, S. C., or to Richmond, Va.," and intimated, as his reasons for so doing, that the Board was too much under the influence of certain parties, and would have to be removed from here.

ANN M. CREIGHTON.

So much for the general outlines of the plot to destroy me and "ride over Landmark Baptists roughshod."

Let me now notice the gradual development of it. Elder Howell, before he left Richmond, had told Mr. Walton that he intended to effect my ruin so soon as he returned to Tennessee, and that he had the plan by which he could do it. What that plan was I thought I understood.

It is worthy of note, that just about the time Elder Howell left Richmond, the Corresponding Secretary of the Southern Baptist Publication Society, who was also editor of the Southern Baptist, set upon me with great fury—assailed my personal and moral character, without either cause or just provocation—that he claimed he had expressed the sentiments of some leading men in the denomination, such as Dr. Manly, the President of the Publication Board. To his assistance soon came Mr. Kendrick, another member of the Publication Board, whose articles are unparalleled in grossness and malignity. He loudly called upon the entire Baptist press to unite in a crusade against me and put me down.

In July, Elder Howell reached this city. I was absent from the city when he arrived. He called in frequently at the South-western Publishing House, and, strange to say, expressed the greatest friendship and regard for us, and urged us again and again to call upon him at the hotel, for a long talk about matters and things in general. So soon as I could command the time, I called upon him. It was not a confidential meeting. Elder Howell never intimated that he communicated a word to me confidentially, and I am certain I did not. After a warm profession of his personal regard, etc., and a desire that I should coöperate with him in his plans, etc., I replied substantially:

"Brother Howell, there is not a man known to us with whom I am more willing and anxious to coöperate than yourself. It has ever been my desire to do so; it was when you were here before, it is so now; and I assure you I will do so to any extent that does not involve the sacrifice of principle. But, Brother Howell—and we did look steadily into his eye—let me be frank and open with you. I cannot conceal; I always wear my heart on the outside. There are sundry rumors afloat, and there are straws in the wind here that indicate their truthfulness, that you have returned with the express understanding on the part of the Kentucky and anti-Landmark party in the Church to effect my ruin, and

the overthrow of the paper and Publishing House, and to ride over Landmark Baptists. If so, you know that there can be no coöperation. You cannot expect that I shall see you attempt all this, and make no effort to defend my principles and protect my business, to which I have devoted so many years of unrewarded toil." I did look steadily and perhaps coldly into his eye when I said this, and he did seem agitated, and his face suffused with blood. He uneasily and rapidly replied "that he was sincere; that he had no sinister or secret designs; that instead of subserving the purpose of one party, he intended to gain the confidence of both, and lead both his own way!" This no little astonished me; for the net is spread in vain in the sight of any bird. It looked to me like a confession of duplicity.

I intimated to him that while I received his professions, time would show whether my fears were groundless. It is true, that after this conversation, Elder Howell seemed uneasy in my presence, as though he was apprehensive that I was conscious of his avowed designs upon me. Although he made to me such warm professions, he, from that time onward to the open rupture, steadily carried out a settled plan to oppress and degrade me as a minister and a Christian in the eyes of the Church and this community. He never so much as once, from the day he set foot in Nashville until he consummated his aim, ever extended to me the least ministerial or Christian courtesy. He openly and aggravatingly ignored me as either a minister or a brother in good standing. He invited Elders Dayton and Walton into his pulpit; he could call upon them to pray in the social prayer-meetings, but never has he, since his return, invited me either to sit with him in the pulpit upon any occasion, or to pray in the prayer-meetings; but has, as though purposely to mortify me, and excite me to say or do something indiscreet, called upon a brother first on one side of me and then on another! I felt this, and others saw it; but I did not complain. I had determined to cultivate the grace of forbearance. I was satisfied that I understood Elder Howell's motive, and I was determined not to be thrown into the fault. I did not suffer it to be made a subject of conversation in my family. I was confident that should I complain it would be construed into a desire to seek a collision with the pastor, or that I demanded to be made conspicuous. Reports were put abroad that I would seek a rupture with Elder Howell. I was determined that the fault should not be mine, if non-complaining forbearance could prevent it. I spoke of Elder Howell kindly in the paper. I treated him courteously and kindly wherever I met him. I wished to be at peace with him. It was my settled purpose when I learned that he was to be my pastor.

I produce the testimony of my most intimate personal friend and associate:

Elder Pendleton rose and testified that he and Elder Graves had talked on the subject of Elder Howell's return to this city, and that Elder Graves had expressed his determination to treat him kindly and get along harmoniously, ever giving him the preference.

Things were on this way with Elder Howell and myself until the meet-

ing of the Sabbath-school Convention in this city the October following, Elder Howell seeking his opportunity to place me in fault.

It is worthy of note, that at the very next session of the Bible Board after his arrival, he visited the Board, and W. P. Jones introduced a resolution appointing a committee to institute an examination into statements made in one or more papers published in this city, etc., etc. The resolution looked at nothing else than the impeachment of Elder Dayton for misrepresentation or falsehood. The resolution appointed Elder Howell one of the committee of inquiry! One portion of the Board seemed struck with astonishment; but no astonishment was visible upon the face of Elder Howell and some half-dozen who have acted with him.

It is needless to add, that that resolution was the origin of all the difficulties that divided the Bible Board and drove Brother Dayton from the Secretaryship. Who can doubt its design? The whole history of that affair, all the circumstances connected with it, show conclusively the object aimed at was the degradation and removal of Elder Dayton. But with each month the plot thickens.

Before the report of that committee was adopted, the Sabbath-school Convention, called by the Concord Association, at the instance of Elder Howell and Dayton, met in this city. Elder Howell claimed, in his opening speech before the Convention, that it originated with him. When the constitution was presented, which provided for a permanent Board and the publication of Sabbath-school books, he still approved, and only, by way of compromise, advocated a postponement of the consummation of the organization until the Baptist Convention, in Richmond, May, 1859.

In appointing a committee of one from each State to nominate officers and a Board of Managers, Elder Howell offered me a public insult. I had moved the appointment of that committee, and, according to all the rules of courtesy and parliamentary usage, should have been named as Chairman. But Elder Howell commenced with Virginia, calling the name of A. M. Poindexter first, and came to Tennessee last, appointing Elder Hillsman, who declined—when Elder Howell hesitated, saying, "Whom shall I appoint?" Elder Dayton suggested that courtesy and usage required him to appoint the mover, Elder Graves, as Chairman; Elder Howell reluctantly did so.

The first public assault upon me and the Publishing House, was made by Elder Howell in his speech opposing the location and Board nominated by that committee.

I will quote the language used by Elder Howell, as reported by Elder Hillsman in his paper, as follows:

Dr. Howell then proceeded to urge his objection to the report of the committee on nominating a Board and fixing its location. He said he had no concealment on the subject—that he would plainly meet the question and state his objections.

The composition of the Board seems to point to the pecuniary interest of private individual enterprise. If he was not mistaken, a majority of the Board was connected with the office of the Tennessee Baptist, and the Chairman of the committee had appointed himself Secretary. He would not say that the brethren were conscious of intending to use the Board for such a purpose, but the circumstances left ground for the suspicion.

Dr. Howell said he was a North Carolinian—was born in the old Rip Van Winkle State, and was proud of his birthplace. There was one thing for which North Carolinians were noted—great sagacity—they are always able to tell a gourd when they see the handle. *He saw a handle*, etc. Those named are known to represent peculiar theological opinions. The whole paper has the appearance, at least, of partisan proscription for interested purposes.

Professor Pendleton's report is fuller. He reports Elder Howell as saying also :

He (Howell) did not charge brethren with being influenced by self-interest ; still it looked that way, and he wondered brethren could not see it ; but perhaps they were like the Bishop of London, who, in an interview with R. Hall, expressed his inability to see something Hall had written against the union of Church and State ; Hall took a card out of his pocket and wrote on it the word Religion, and, holding it up before the Bishop's eyes, asked him if he could see the word. "O yes, very plainly," replied the Bishop. Hall then placed a guinea upon the word, and asked the Bishop if he saw it then. He said, "No." "This," said Hall, "is the reason you do not see the force of my arguments. There's money in the way." Brethren might be like the Bishop, but I do not charge that they are, etc.

I submit if ever a grosser attack was made upon a chairman of a committee, or upon those associated with him in business. It was adroitly done, I confess. Elder Howell evaded the charge of legal slander, but committed moral slander of the deepest dye. It may be asked, if I felt aggrieved by it, why did I not go to him privately and ask an explanation. I reply, all this Elder Howell avoided, by explaining as he did on Monday, and to Elder Dayton disavowing that he charged any mercenary motive. It is certain that he did not say that *he* charged it. O no, but things look so much like it, others would charge it. He did say he saw the handle of a gourd in the affair.

The Southern Baptist, Southwestern Baptist, and Baptist Watchman, a portion of the Baptist press, caught up this speech of Elder Howell—what they understood as an exposure of a corrupt plot on the part of myself and the Tennessee Baptist office, and rung their charges upon it, as you well know.

Not one word from my pen appeared in the Tennessee Baptist, in correction or reply, from October, 1857, until February 13, 1858. I looked for Elder Howell to correct the construction the papers were placing upon his speech, if he did not design for them to use it in that way. He never corrected, but was emboldened, on the 27th of December, to write a letter to the Index, in which he made a still bolder assault upon the Southwestern Publishing House and Elder Dayton, Corresponding Secretary of the Bible Board. That letter is submitted. I replied, in the Index, to his charge that the house was issuing sundry heretical and pernicious publications. My reply is submitted.

It was so kind and so just that Elder Howell has never complained of a line in it, or attempted a reply. If it is asked why I did not go to Elder Howell if aggrieved by this letter, I reply, his charge was of such a nature as to cut off all grounds for a private interview. He could say, in truth, that I, personally, had no right to complain of him—he had a

right to his opinion, and that he regarded the views taught in some of the books I published as unscriptural and pernicious.

But Elder Howell did know that *he had offended me*, for at our next meeting I frankly told him that I was hurt to see the determination he manifested to injure my business, by exciting suspicion against the house; but, said I, I am more hurt and pained at your thrust at Brother Dayton, Corresponding Secretary. I told him that he well knew how deeply his allusions to Dayton were calculated to wound and injure him. I pronounced the attack a cruel and unfeeling one, saying he (Howell) was at liberty to attack the theology of the books of the house, and I was able to defend the orthodoxy of every book issued by us; but to assail Brother Dayton was too bad and unjustifiable, etc. Elder Howell seemed somewhat excited, whirled the tassel of his cloak rapidly, gave me no satisfaction, and soon left me. Although the papers allied with Elder Howell in his oppression of the Sunday-school Board had kept up a perpetual discharge, greatly misrepresenting what was said and done; and, above all, charging me with corrupt motives, I made no reply until February, thinking it possible they might get tired if let alone, and having no desire for a denominational warfare. My silence at last was used as a confession of conscious guilt—that the affair “stuck in my throat.” I was also called upon by members of that committee to defend myself and them. I commenced replying to the assaults of these papers February 13th. All the articles I published are here submitted to your examination. Find, if you can, one article or paragraph published in the whole controversy alluding to Elder Howell, that was not to defend myself or that committee, or the Board that had a right to look to me for defence from the charges preferred by Elder Howell in his speech or in that letter, or meeting some use made of his speech or letter by other editors. Let the man who thinks that I am the assailant in this unfortunate and useless controversy find the first line of my assault. In all this it is for you to decide whether I was more sinned against or sinning.

In connection with this war upon myself as the chairman of that committee, upon the Board, and the design of the originators of the Union, the Southwestern Baptist commenced a personal attack upon Elder Dayton, as Corresponding Secretary of the Bible Board. The preparatory step had been taken in the preceding August. Elder Howell had boldly led on the attack by his Index letter. The editor of the Southwestern Baptist, Samuel Henderson, visited this city in February, and his paper gave unmistakable evidences that he had been abundantly furnished by Elder Howell and his party here for carrying on a war of extermination.

Under the defence of the Southwestern Baptist, the Southern Baptist, and the Baptist Watchman, and sundry men as Dawson, the Board moved forward and transacted the scenes that have disgraced the Bible Board for ever.

I stood in defence of myself, of the Board I had aided to nominate, of Elder Dayton, and, to the best of my ability, exposed the combination that had been formed for the overthrow of men and principles.

If I struck some heavy and direct blows, it was because I was warmly pressed. If much was said about the speech and letter of Elder

Howell, it was because they were so constantly and heavily thrown upon me. Gaining little advantage in this way, they selected a new class of weapons for the ruin of private character. The charge of plagiarism was sounded; then of abolitionism; then of Campbellism; then of advocating polygamy. My private life, from earliest youth, was closely scrutinized. A man from Alabama, deputed doubtless by Henderson, was found ransacking the records of the Church into which I was first, and in early boyhood, baptized, and the neighborhood searched for some tale of scandal. Elder Howell and his party in this city were actively preparing to place me in a position that would give them, if not grounds, at least a pretext to institute a Church trial. He, or they, prepared early in the spring a list of charges, and sent copies of them over the land to terrify my friends and encourage my enemies. He and they wrote private letters, grossly defamatory and libellous. They filled the land, by letters and the editors who served them, that very soon I should be arraigned before the Church, and the most frightful disclosures would be made touching my private life and acts. Alarm possessed every friend. W. P. Jones writes to the Southwestern Baptist, that I would be little thought of if brethren abroad only knew my private standing at home! Such, brethren and fathers, were the means and instrumentalities employed abroad to turn my friends and the denomination against me, and prepare all minds to consent to my exclusion from the Church.

I will now show what was done at home, and that my disgrace was determined upon by Elder Howell at all hazards, irrespective of guilt or innocence. I have proved that he had formed and avowed his design to put me down before he left Richmond. We have seen his plan at work. A pretty extensive one it was, and still is, to destroy the influence of Old Landmark men and principles. He boldly avowed it, also, to certain brethren in Middle Tennessee and in this city.

*Statement of J. B. Rutland, to be read at the Trial before the Church of Elder J. R. Graves, made at the request of the Accused.*

It was some three months previous to the preferring of charges against Elder Graves, before the First Baptist Church, I had a lengthy conversation with Elder Howell in relation to the personal difficulties then existing between the two brethren.

Elder Howell seemed much excited, and was unreserved in his denunciations of Elder Graves. He considered him a very bad man, and destitute of both principle and truth; that he was resolved upon having him expelled from the Church. I suggested to Elder Howell that Brother Graves, on account of his advocacy of Baptist principles and his uncompromising hostility to all error and heresy, had so gotten hold of the affections of the Baptists throughout the South-west, that they would not submit to such an act. Whereupon Elder Howell replied he had no doubt he could effect his object, and the denomination would ultimately submit to and acquiesce in it; and appealed to me to know if I had ever known a man to be turned out of the Church without, sooner or later, the act was acquiesced in by the denomination.

It was very evident to my mind, from all that was said between Elder Howell and myself, that he regarded the matters existing between himself and Elder Graves as personal in their character. I do not remember the entire conversation between us, nor do I deem it important here to state every thing that passed, but I do remember distinctly that Elder Howell said, amongst other things, that he

could, before the courts of the country, convict Elder Graves of libel in twenty distinct cases.

I submit the testimony of Elder Cason :

DEAR BROTHER SHANKLAND:—Yours has been received and noted. I was in Nashville in February and March, 1858, several times, and was in Dr. Howell's office three or four times, in each of which we had a conversation about Brother Graves and Landmarkism. In our last conversation Brother Howell complained that Brother Graves had done him great injustice in the recent issues of the Tennessee Baptist; that the country brethren had heard but one side, and they would be turned about on hearing the other. I asked Brother Howell to set himself right before the world. As Brother Graves had offered him the Tennessee Baptist, the brethren abroad did not understand his silence. Brother Howell said, "I will not fight a man in his own house, because he, knowing all the secret doors, has every advantage. I will not engage in a paper discussion with Mr. Graves, for he is too well versed in that kind of tactics. When I attack Graves I intend to do it privately." I replied, "Brother Howell, that is unmanly. The discussion has been public, and you should make your defence the same way." "No," said he; "I know where my strength is." I replied, "You should try to have a good understanding with Brother Graves, as you are both leading men." "No," said Brother Howell, "I want no understanding. He has injured me, and I will have satisfaction." I told him that was not the spirit of Christ; he should forgive. "No," said he; "I am like an Indian, I never forget benefits nor forgive injuries. I have got it placed away here, [striking his heart with his right hand,] and I am determined to have satisfaction." I told Brother Howell he would injure our good cause if he proceeded. He said "I am like Samson: I will tear the house down and die in the ruins, or stop him." I replied, "Brother Howell, you grieve me very much." "I made him," (Graves,) said Brother Howell, "and I made a bad job at that; and I owe it to the Church to unmake him. I have a right to unmake him." I told Brother Howell I wished he would make five hundred more such. "If I can get clear of him, I'll never make another such." I replied, "Brother Graves is in the hearts of the brethren, and you cannot hurt him." He replied, "I understand how to work. Do you know how I managed when the old brethren split off from us?" I answered "No." "Well," said he, "I waited until they had spent their strength, and then I commenced. When Mr. Graves gets through his attacks on me, I will take up my defence in the church here, (Nashville.) The brethren agree with me, and I expect he will be excluded. They are so much disgusted with him, I have to restrain them, or they would turn him out at once." I left Brother Howell's office pained in my heart at what I had heard. The above is a correct statement of the substance of Dr. Howell's conversation, and his own words for the most part.

Yours, as ever,

J. H. CASON.\*

CAMSVILLE, Wilson county, Tenn., Feb. 27, 1859.

I forbear to comment on this testimony. Who would have believed that a Christian man, much less a minister, would have indulged in such language? Boasting of an Indian's spirit—*never to forgive an injury!* Is this the spirit of Christ—is it the feeling of a renewed heart?

*Testimony of Elder Kimbrough, of Giles County, Tennessee.*

I was in the city of Nashville on the last Monday in May, 1858. I being much interested and grieved about the difficulties which then existed between Elders

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\* Elder Cason is a graduate of Union University, and a returned missionary from Africa. His veracity is above suspicion.

Graves and Howell, I visited Elder Howell at his own house, where we all alone had the following conversation in substance, as my memory serves me. First, Elder Howell said there would be charges preferred against Elder Graves by the First Church, and that he would be excluded. I urged that he would be slow, and give more time for deliberation. He said, No; that some of the brethren thought he had been too slow already; he said about forty of his members would go with Graves, and among them some of his very dear friends; but it must be done at all hazards, cost what it might. I told him that, though a majority of his Church might exclude Graves, that I knew an overwhelming majority of the Concord Association, and of our brethren in general, would sustain him. To this opinion Elder Howell agreed, saying, "As things now exist, sir, I have no doubt but that you are right; but when I shall have an opportunity of meeting with the Concord Association, to teach them the truth as it exists, the minds of the brethren will be revolutionized, and the whole current changed in my favor;" he here alluded to the influence which he said he exerted in that association, at the time of the division between the Missionary and Anti-Missionary Baptists, "which caused," he said, "an entire revolution."

Second, Elder Howell said, Graves is not a reliable man, or not a man of truth, and that he had no more confidence in his religion than he had in the religion of a horse, and said, "I will not live in the Church with him."

Third, Elder Howell said it would be shown that Graves was not a member of the Baptist Church, and that he was not regularly ordained, or there was a deficiency in both his membership and his ordination.

Fourth, He said that at his nod, or at his word, the young men of the city would cast the South-Western Publishing House and the entire publishing interest all into the river.

Fifth, Elder Howell said there must be a Baptist paper started in Tennessee, for that this thing, (*The Tennessee Baptist*), edited by this Vermont abolitionist, (Graves,) is *no Baptist paper*.

ROBERT G. KIMBROUGH.\*

1. The determination of Elder Howell and his Anti-Landmark party to expel me, whether innocent or guilty, is corroborated by Elder Kimbrough's testimony, and that party in the Church and Elder Howell had a perfect understanding.

2. It is clearly established that Elder Howell had thoroughly canvassed his Church, and gotten a majority committed to his purpose; else how did he know that he would lose forty members, and who they would be?

3. Elder Howell believed that his great popularity in Tennessee and in the Concord Association would enable him to exclude me, however unjustly.

4. It will be seen that he said the same to Elder Kimbrough, and Wright, and Rutland, that he did to Hendren, and yet he denied having privately slandered me.

5. If his influence is so great over the young men of this city, that his mere nod or word would be sufficient to cause them to throw the Publishing House into the river, was it not sufficient to influence the young converts of the Church to vote to expel me, right or wrong?

6. Elder Howell is convicted of the grossest hypocrisy. Did he in July profess to be doing all he could to prevent the matter from coming before the Church, and his great desire to adjust all the matters pri-

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\* Elder Kimbrough has been for many years the agent for foreign missions in Tennessee, and no man's word will be sooner believed.

vately, and yet to Cason, Kimbrough, and Rutland, declared that I *should be expelled and put down, cost what it might!*

When the partners of the South-western Publishing House heard this, they insured against fire; knowing that the nod that could cause the house to be pitched into the river could cause a torch to be applied at midnight.

Elder W. H. Grimmett was here called upon to testify as to what he knew about the real ground of Elder Howell's opposition to the Sabbath-school Union and its Board.

Elder Grimmett said, substantially, that after Howell had indicated his opposition to the Board, he (Grimmett) went to Brother Howell and asked him why he pursued so strange a course. Elder Howell said he opposed, because of the character of the Board nominated—its incompetency—and because of the distinguished brethren who were left off. "There was President Eaton, of Murfreesboro; why was he not nominated? There was Elder Bayless, of Lebanon; why was he not nominated?—and why was I not nominated?"

Elder Grimmett said, upon hearing this, he thought he understood Elder Howell's reason, and turned away.

*Testimony of W. E. Jewell, of Lewisburg.*

DEAR BROTHER SHANKLAND:—I received yours of the 16th of this inst., requesting me to answer certain interrogatories propounded to me relative to a difficulty between Elders Howell and Graves. I propose to take them up in the order you have propounded them.

1. You ask me to state the date of a conversation I had with Elder Howell. It was on Thursday, the 16th of September, 1858, in the city of Nashville, at his own house. Of this I am positive, because I have data to which I can refer and upon which I can rely.

2. You ask me to give Elder Howell's statements of the charges alleged against Elder Graves. If my memory serves me right they were, stating repeated falsehoods, and slandering his (or the) brethren of the Baptist Church.

3. As to the means he proposed to employ, I cannot now give his words, but I remember the impression that was made on my mind from what he said during our interview, and what I saw passing in his study, or room, or sanctum, or sanctorum, or whatever doctors call them, was that Graves was to be turned out of the Church. When I entered the room, the floor was almost carpeted with the Tennessee Baptist, I mean different numbers of that paper, and two men were busy looking over them. I was not introduced to either of them. I learned they were Dr. Jones and Howell's son. I said they were not introduced to me: Howell told me just as I was leaving, that was Dr. Jones—pointing to the only man left in the room, the other having left before me.

Howell told me, if I am not mistaken, they, Jones and his son, were searching for testimony against Graves. I remember to have asked Howell what we would do with those men who were causing so much disaffection among us? I think his answer was, turn them out of the Church. In short, Howell seemed recklessly determined to put Graves down. The above is a summary of the occasion, as well as I can remember now, some time having passed since it occurred.

LEWISBURG, Feb. 22, 1859.

You will decide who got up this prosecution, not Mr. Darden or Fuller, but Mr. Howell, aided by W. P. Jones and others, and yet Elder Howell has repeatedly said he was not the director of it!

His plan was to use his large personal and pastoral influence to set the majority of the First Church against me, and to destroy their confidence, and the confidence of the citizens of this city, in my moral character.

#### THE PHILOSOPHY OR RATIONALE OF THE PLAN.

Elder Howell believed that my ruin was certain, however innocent, if my exclusion from the Church could be effected by a respectable majority. This he intimates to Brother Rutland above, when he called upon him to recall a case where the denomination did not ultimately approve the action of the Church in case of exclusions. This thought is not inferior in its moral quality to that proposed to Professor Eaton to rid the University of Professor Pendleton. It remains to be seen if Elder Howell rightly judged the Baptists of Tennessee, of the South-west, of the South.

The plan of Elder Howell was well understood by his party here, and acted upon by them.

What stranger visited this city, whose ears were not filled with the most unfavorable reports of my low standing in this city, and in my own Church? The City Hotel and an office occupied by two or three Kentucky doctors have witnessed the truth of this. When have certain brethren gone abroad that they have not propagated slanderous reports to my injury?

I will call your attention to how these operated their plans abroad.

Brother Moderator, I had hoped that copies of letters from Henderson, and Howell, and Jones, now in the hands of William Cogar, Pekin, Ky., would have reached me before this day. The Clerk of the Church has written for them. The letters of Henderson and Jones were written to influence Mr. Cogar (a Reformer) to refresh his memory, if possible, and furnish them with something said or done by me, during the years I boarded in his family, that would injure me—some rumor or scandal that would injure me if known. Their letters were of the most libellous character. The last of Dr. W. P. Jones, I think, was the essence of all the defamation that he has, for years, spoken and written against me—enough to disgrace the name of a man, to say nothing of moral or Christian principle. This Jones having set forth my character, informs Mr. Cogar that the voice of the denomination and of the Church is to bring me to justice and expel me from the Church, and that they wished to procure the evidence that would warrant them in doing this. And, at the close of this letter, Rev. R. B. C. Howell, D. D., wrote a paragraph endorsing, in the highest terms, this Dr. W. P. Jones, and joined with him in desiring Mr. Cogar to answer Mr. Jones's questions. All know that, in law, such an endorsement makes the endorser responsible for all that was written. I ask to be permitted to insert a copy of those letters, if Mr. C. will furnish them.

(It was granted.)

I saw and read these letters when I was in Kentucky, in July of last year. They were written during the winter and spring of 1858.

They did elicit a letter from Mr. Cogar; but it did me good rather than harm.

I submit here, also, a copy of a letter from this Jones, written for publication in the South-western Baptist. It will show the envenomed malignity of the man, side by side with whom Elder Howell has labored with a zeal worthy of a better cause, for the ruin of my character.

Sam. Henderson introduces it with a sentence, which he knew was a libel when he wrote it. He knew nothing unfavorable to my religious *status*, except what he learned from the lips of Howell, Jones, Fuller, Sam. Scott, and their party. Alexander Campbell had a deluge of defamation poured into his ear by some Baptists in this city—if he is to be believed—when he passed through here, during the pendency of my controversy with him. Who my defamers were, I will not inquire; but certainly not men under the influence of truth, or honorable or Christian principles. But read the letter of this Jones to a Baptist paper:

From the South-western Baptist.

✍ We have long known, from good authority, the religious *status* of Mr. Graves in Nashville, but preferred it to be brought out from some person in his own vicinity.—Eds.

For the South-western Baptist.

#### EXPLANATORY.

DEAR BRETHREN:—As Dr. Howell does not notice the Tennessee Baptist, and Mr. Graves seems so exceedingly anxious that a “member of the Bible Board,” or some one else in Nashville shall, will you do me the kindness to say, I have accidentally seen the first part of his recent article against me; that it starts out, unfortunately for him, with a falsehood; and, by withholding the truth elsewhere, makes sundry false impressions. Please tell him I do not propose to reply *in extenso* to this article, or any other, emanating from one who does not acknowledge the ordinary restraints of honor.

You may also give it as my private opinion, that when J. R. Graves shall be known abroad as in Nashville, he will not injure any one.

Hoping you may speedily extend the area of his *home* influence, I am your friend and brother,

W. P. JONES.

Brethren of the Council, in pursuing Elder Howell's speeches in the prosecution, you will notice his deep concern for the purity of Church discipline, and the honor of his Church; therefore I am arraigned for foul and atrocious libels in that I, and others, expressed our opinions of Elder Howell's public sayings and doings. I am arraigned for grossly immoral and unchristian character in that I opposed the pulpit eccentricities of Elder Fuller, opposed the avowed open communion and Presbyterian sentiments of Tustin, and the Neological sentiments of Duncan's John the Baptist; but this Dr. Jones, the bosom friend and coadjutor of Elder Howell, can thus libel me in the public papers, with the warmest approval of Elder Howell, C. A. Fuller, and Sam. Scott, and their party! I leave you to draw your own conclusions from these facts, whether their zeal for brotherly fellowship in the Church, and the purity of Church discipline, or *malicious intent toward me*, influenced these men to arraign me.

I submit a letter from B. B. Black, of Missouri, showing that leading men in Missouri knew, long before I knew it, that I was not to be tried merely, but that I was positively to be excluded from the First Church. How happened every Doctor of Divinity, and every leading Anti-Landmark man in the South to be so thoroughly posted up, and possessed of the knowledge of the fact that I was to be excluded? That Samuel Henderson was possessed of a list of the charges in April and May, to show about, before many of the things complained of had an existence, is not at all strange; but why does a certain class of men all over the South have them, or a knowledge of them, also, and that before a solitary landmark member of the First Church here knew even the first offence Elder Howell complained of? Answer it if you can to his credit.

I submit here letters to convince you that letters of the most defamatory character were written to leading men in Texas by Elder Howell himself.

[Parts of several letters were read.]

I submit this at length, as all-sufficient for my purpose. It was unsought, as they all were. I did request a copy of the original letter, but was refused.

BROTHER GRAVES; I see from a recent number of the Tennessee Baptist, that the purport of a conversation relative to a letter written by Dr. Howell to Brother R. C. Burleson, between Brother James L. Farquar and myself, has come to your knowledge, and that you desire to have the facts in the case.

I wanted it understood that, in what I have said and done in this matter, I have been incited by no disposition to stir up strife or foster dissension. I was pained at seeing such things as were contained in the letter from a brother who occupies the position Brother Howell does, and for whom I have always entertained so much esteem, against a brother equally esteemed and beloved, and it was natural that I should speak of it as I did to Brother Farquar. The letter was shown to me, I am satisfied, by Brother Burleson, not to prejudice me against J. R. Graves, for he knew I was a friend and admirer of his, but simply to let me see how matters stood between the brethren at Nashville, as this letter was written some time before it was generally known that charges would be preferred against J. R. Graves by the First Church.

The purport of the letter, as nearly as I can recollect, (the part relating to you,) was, that your course in the Tennessee Baptist had been blighting to the Churches; that the Concord Association was falling off, or rather had fallen off in numbers from what it was ten years ago. The reason assigned was, the Tennessee Baptist leaven.

J. R. Graves was conceded to be a man of some parts, but of the most revolting selfishness, inordinate ambition, unbounded avarice, and infinite mendacity.

I would prefer nothing more be said about this matter, but, if necessary to use it all, I would prefer that, in justice to all parties, this whole letter be published.

I remain, very respectfully, your friend and brother in Christ,  
INDEPENDENCE, Dec. 13, 1858. A. W. ELLEDGE.

You will notice how fearful, how awful, how inconceivably heinous Elder Howell portrays the sin of slander, defamation, and falsehood in the eyes of infinite purity, and yet with that same pen and fraternal ink-drop wrote as foul a libel to ruin a brother, as has ever been written since lan-

guage was given to our race—"infinite MENDACITY!" You know, brethren, that every court that meets in this State, and every jury that could be lawfully empanelled, would render a verdict for libel upon this testimony alone; but the verdict of every good man everywhere that will be rendered, is all I ask.

I have said there was a combination to prostrate me, by fair or foul means, at the head of which was Elder Howell, in this city, the leading members of the Board of Managers of the Southern Baptist Publication Society, in Charleston, of whom Sam. Henderson, editor of the South-Western Baptist, at Tuskegee, was a mere tool.

I submit some little of the evidence in my possession, and evidence of this fact is flowing in upon me every day.

Elder S. L. Powers, of Laurens, S. C., writes as follows:

I will say to you that I believe that there was and is yet a combination on the part of Tustin, Henderson & Co., to put you down. I had a brother to declare to me the intention of those men, in the spring of 1857, about March: he declared that it would be done by some of those who have tried. He either *knew* or he guessed very well. He had been colporter for the Charleston concern, or some of the associations, I am not certain which. I bought books of him from that concern.

Elder Howell used his influence to destroy Elder Dayton, also, whose fall was decreed with mine, not because he was guilty, or that Elder Howell and his party believed in their hearts that he was guilty, but because he was in the way of the accomplishment of their fell purpose with respect to myself. I have submitted the admission of one of their agents, E. P. Walton, the present corresponding secretary of the Bible Board, to Elders Baily and Benson, and will corroborate it with a similar admission to Elder Dayton also. He may possibly deny all this. I should expect this man, and all the men involved in this foul plot, to deny their guilt. A denial on their part of every thing proved, would be a far less sin than being an accomplice to the combination.

#### *A. C. Dayton's Testimony.*

Some time during the last summer Elder Walton preached for Elder Ford in the old Baptist Church, South Nashville. I asked him to ride with me back to the square, and on the way he said to me, in substance, that "He wished he could feel at liberty to tell me all he knew about the warfare which had been waged on me, and this much he would say, he knew that the men who had been most active in this persecution were not influenced by any unkind feeling toward myself; that, on the contrary, they entertained for me the utmost respect, and had the fullest confidence in me as a man, a Christian, and an officer, but that it was a part of the plan to reach Brother Graves. It was thought by the leaders of that attack in this city, that it was necessary, first to destroy your influence and standing, before they could effectually act against him." Such is certainly the substance of what he said, and, so far as I can remember, the very words. That such was the case he *knew*, from having been present at their conversations. A. C. DAYTON.

I have said that Elder Howell sought by means of private letters the downfall of Elder Dayton as well as myself.

Reports of such letters from under his hand coming to Elder Dayton's

ears, and learning from Elder Bayliss that Elder Howell denied having written the scratch of a pen to his prejudice, Elder Dayton, to get this denial from Elder Howell himself, addressed him this note:

EDGEFIELD, August 5th, 1858.

ELDER R. B. C. HOWELL:

DEAR BROTHER:—Reports have reached me from time to time that you and others have privately been attempting to injure my standing as a man and a minister. This I partly believe, and spoke of it to several. Your seeming cordiality when we met at the Association had a tendency to impress me that I had been misinformed. Brother Bayliss assured me, moreover, that you had told him you had never written the scratch of a pen to my disadvantage. I would be glad to have you say so for yourself; for if it be so, you have been grievously misrepresented to me.

Will you, therefore, do me the kindness to tell me whether they have slandered you who say that it was your object, and that of those who prepared and adopted the Report of the Bible Board of the 15th of June, to depreciate my character and diminish my influence, and if you have ever said that such has been, or such would be the effect of that report, or words to that effect? I do not like to think of my pastor as a traducer of my good name. Please reply at your earliest convenience.

Yours respectfully,

A. C. DAYTON.

Elder Howell could not be induced to reply by note, but still sought to make the impression verbally upon Elder Dayton that he was innocent of the charge; but was careful not to use the word in the papers or in his pulpit, etc.

I now submit to you evidence of a character that no man can question, that Elder Howell was in foul alliance with Samuel Henderson and the President of the Board of the Southern Baptist Publication Society to destroy Elder Dayton, and consummate my ruin:

GREENWOOD, Fla., July 26th, 1858.

DEAR BROTHER DAYTON:—I received yours of the 14th instant. In reply will say that I have consulted several of my brethren in reference to sending the letters of S. Henderson while some think it my duty, others say I ought not to send them to you, to be used in public print. Believing, as I do, that no Christian will or can take an undue advantage of another to disgrace him, and thereby bring a reproach upon the cause of Christ, who gave his life for us; and this commandment have we from him, "That he who loveth God, loveth his brother also," and that Brother Henderson has not manifested love toward his brethren in his mad attack upon yourself and Graves, in refusing to hear or publish your defence, or to listen to your appeals for peace, and refuse to be advised to accept peace by his brethren that love him. I say that he must blame himself and not me for the exposure of these letters. In love to Henderson I hope he and Howell will not make it necessary for their exposure.

In love, I remain yours in Christian bonds,

C. N. HARTSFIELD.

P. S. If you publish any of the letters, I claim the publication of the above explanation in connection with them.

C. N. H.

Brother Hartsfield's sense of justice flings into the light of day two of the "private letters" with which the South has been filled the past year.

TUSKEGEE, Feb. 22, 1858.

DEAR BROTHER HARTSFIELD:—I thank you for your kind suggestions. I am satisfied they are dictated by the best feelings toward me. All I have to say is, wait a few months, hold yourselves free to weigh matters impartially, and if you do not see and hear things that will astonish you, I am sadly mistaken. Mark me! J. R. Graves is a bad man, and fully intent on mischief. I wish I could see you an hour. He is an adventurous *Yankee*, who has come South to make a fortune out of "Baptist peculiarities," and he is doing it fast.

You will see an article in our paper of this week on "Polygamy," called out by the publication of two articles in the Tennessee Baptist on that subject. Please read them all, and then tell me if it is not a shameful affair. You will see in our next issue some things that may astonish you. Dr. Howell writes me that Graves and Dayton are fully bent on his "assassination!" Now, my dear brother, just give us a little time, don't judge too soon, and we will be perfectly agreed in six months.

I still remember with great pleasure my pleasant stay at your house. God willing, I shall visit you again; when, I cannot now say.

You may show this letter to *prudent* brethren, those who will not make an improper use of its contents. Graves has his spies all over the country. Regards to your wife.

Very truly yours in Christ Jesus,

SAMUEL HENDERSON.

This was written February 22d. The first article that appeared from my pen was in February 13. Elder Howell had no shadow of evidence before him when he wrote this to Henderson that I was seeking to assassinate him; in fact, all I ever wrote will not warrant him or any other man in such a conclusion. He raised this cry to excite the sympathies of certain brethren in his favor.

Brother Hartsfield is conjured to wait only a few months for revelations to be made touching me or my past life, that will astonish him. A cry is raised similar to the one used by the Pharisees of old, against my Master, that I came out of Nazareth, am a Nazarene, alias a "*Yankee*," and bent on mischief—the subversion of the government! Does not this letter prove that, so early as February, Howell and Jones, and Scott & Co., here, had planned my ruin and that of Elder Dayton, and that Henderson was let into the secret when he made that especial visit to this city a week or two before he wrote this letter? His paper upon his return abundantly proves this.

But Brother Hartsfield waits from February until the next June, and still the promised astounding revelations have not appeared. He writes a few lines expressive of his opinion in the premises, and sends to the Southwestern Baptist, and he is refused a hearing, but receives this letter:

DEAR BROTHER HARTSFIELD:—Your letter and communication have been received. We cannot consistently publish your communication, as it would weaken our own hands at this crisis. I am satisfied if you knew all, you would not ask it. You will hear some things soon that will amaze you. *Six months from now you will thank me for what I have done.* I regret the *necessity* of this controversy as deeply as you do; but *necessity* was laid upon us. Mr. Graves's *abolitionism* is the smallest part of my objection to him. They are the downright *falsehoods* he has told, that have destroyed my confidence in him. I have convicted him of these falsehoods beyond all doubt. I submitted my proof to two of the best Judges we have in Alabama, and they both declared that I had triumphantly made out my case. And now, Brother Hartsfield, let me ask you, if we

undertake to sustain such a man as this, will we not sink down to his level? Suppose a member of your Church was convicted of just such falsehoods, how long would he remain in it?

As to Elder Dayton, the Bible Board has just published its report of all those matters. I have not yet seen it. Dr. Howell writes me, that it triumphantly sustains every position I have taken. The Doctor also says, that it places Dayton where he never can again rise to respectability. I want you, as a friend and brother whom I love in Christ Jesus, to wait and read that document, and others that will be out soon, and then judge whether I am right or wrong. I regret the spirit in which I have occasionally written, but I do not regret what I have done as a whole. You will see my rejoinder to Graves' defence next week. I ask you to read it candidly. That closes up the matter. Of course, all my friends expect me to reply to Graves' defence. I may state facts as they come to light, but that will be all I will do in future.

Yours, truly,

SAMUEL HENDERSON.

Mr. Graves will soon be arraigned, I understand, before his Church, to answer for falsehood and slander. The next few months will "bring to light many hidden things of dishonesty." *Wait and see.*

Yours,

TUSKEGEE, June 26, 1858.

S. H.

Brother Hartsfield then is entreated to withhold any expression of his opinion six months longer, and wait for the revelations "of many hidden things of dishonesty." S. H., or some liberal brother in Alabama or Nashville, seeing that something must be done—some scandal or report of some sort must be put forth—to justify them in the public estimation, since their abolition charge, and polygamy cry, had recoiled so fearfully upon them; since Mr. Cogar, from whom they expected so much, had failed to furnish them any thing to use, it appears that a Mr. Thomas was sent from Alabama to New England into the vicinity of my birth, into the neighborhood where I lived when a boy of thirteen and fourteen years, to search through the records of the Church into which I was baptized when a boy of fifteen years, to comb up something; knowing, as these men did, that the record of not one man in ten or one hundred thousand could be thus scanned from earliest boyhood, but that something could be found, some scandal resuscitated, that would appear bad in print, when applied to a minister of the gospel. But this spy returned, it seems, without so much as one word to comfort these men—not one word!

But to the special point in this letter. While Elder Howell and his party in the Bible Board were professing to be doing nothing with the design to injure Brother Dayton, or remove him from his office, in this letter to Bro. Hartsfield he reveals his true designs and those of his party toward Elder Dayton: that they did from the first intend to ruin him, that they were bent upon sinking him so low that he could never rise again to respectability! I leave this dark picture of insincerity and guilt with you—I turn with loathing from it.

But I saw there was not only a combination among certain influential men in the South, but Sam. Henderson, like Tustin, was their tool, and served as their *cat's paw*.

I submit the testimony of an eye and ear witness:

MESSRS. EDITORS:—In the Tennessee Baptist of 29th of January, I see a communication from the Rev. A. G. McCraw, Selma, Alabama, in which he descants

on the appointment of the Rev. Dr. Manly, general missionary of the State of Alabama. I was not a little surprised when I saw it, especially his concluding remarks: "*Did I wish a war waged against my brethren, Brother Manly is the last man I should select for such a work—a man of his quiet, prayerful spirit,*" etc.

From the above, one would suppose that Dr. Manly did not like war and strife, for that reason he was appointed. Embracing the first Sabbath in September last, was held the Wewoka camp-meeting. I there saw Rev. Samuel Henderson. In conversation with him, on the injury he had done and was still doing by his war with Brother Graves, he pulled a parcel of letters from his pocket, stating they were from *Howell, Manly, and others, urging him to put down Graves*. He said, "*Dr. Manly had urged him with all his might, until his last, when he (Manly) told Henderson to stop, he had got hold of a skunk.*" [We are ashamed to use such language in our defence; but it is from Dr. Manly! We forgive and pity.] Henderson said, he was done, and should let the matter rest.

At this time Henderson and myself entered the house, still talking of the same subject, where there were several preachers; among them I recollect A. G. McCraw, J. J. Bullington, Rufus Mattison, Dr. Law, and others. Some one remarked that it had injured Henderson, both in the circulation of his paper and standing; that it was a great sacrifice for the Doctor's friendship. Henderson remarked that "*Brother Manly was a man of too magnanimous a soul to let anybody suffer on his account; that Manly would leave all and canvass the State from North to South first, and besides, he thought Graves a scoundrel.*"

BENJAMIN F. HOLLEY.

I submit a few additional witnesses to prove that at home and abroad Howell and his party were attempting my ruin, by slander and detraction:

*Mr. Hendren's Testimony.*

During the month of February or March, 1858, and while engaged in the legitimate pursuit of my business, in my office at Nashville, Dr. Howell made, as I supposed, a casual call, finding me engaged on a drawing for Rev. J. R. Graves. As soon as the fact was made known, *i. e.*, that the drawing was for Rev. Mr. Graves, Dr. Howell voluntarily remarked, that the said Rev. J. R. Graves "was a dishonest man, and could not be trusted." The above is communicated to Rev. J. R. Graves voluntarily, in view of the recent action of the First Church in Nashville toward that gentleman and brother, which I have learned from the columns of the Tennessee Baptist.

A. B. HENDREN, Architect.

*Brother J. O. Wright's Corroboration.*

NASHVILLE, March 1, 1859.

DEAR BROTHER GRAVES:—Since Dr. Howell denies the truth of Mr. Hendren's certificate, I feel it my duty to tender you the following: About the 1st of September, 1858, in a conversation with Dr. Howell he took occasion to say that he and yourself could not remain in the same Church. He told me charges would soon be preferred against you, and that unless the final result was satisfactory to him, (referring to the contemplated trial,) he would not be the pastor of the First Church three months.

He spoke of you as a bad and dishonest man, one in whose veracity he had no confidence; and clearly intimated that you had defrauded subscribers to the Tennessee Publication Society to the amount of \$1500.

Your brother in Christ,

JACOB O. WRIGHT.

DEAR BROTHER GRAVES:—In reply to your note, I must say that I cannot give you a certificate from the brother who related the conversation referred to, for the plain reason that it was Brother Barksdale, of Helena. The conversation took

place in Memphis last spring, between Brother Barksdale and Dr. Jones, of Nashville. There is no mistake about it. Brother Barksdale told the same thing to Brother Drane. Brother Drane and myself have talked over the matter since my letter appeared in the Baptist, and he says that I reported correctly. I am sure that I gave the substance, if not the very words. Here it is again, as near as I can recollect, just as Brother Barksdale related it in my study, just before public service:

B. "You say you would not believe Brother Graves on oath."

J. "No."

B. "Why then do you not turn him out of the Church?"

J. "We would if we could, but we can't get hold of him."

B. "That is very singular."

The conversation related also to Dr. Howell's treatment of you respecting that prayer-meeting. Dr. Jones gave Brother Barksdale the particulars.

This was my first acquaintance with Brother Barksdale, and most of the conversation between us before service related to the Nashville difficulties.

I cannot but think, with many others, that you are extremely obnoxious to a portion of the First Baptist Church in Nashville, and that they would be glad to accomplish your ruin by expulsion, if they could lay hold upon any thing tangible by which to accomplish their purpose. I hope, however, that all will work together for your good and the progress of truth.

Yours, very truly,

HOME, near Memphis, Oct. 8, 1858.

C. R. HENDRICKSON.

The following is the testimony of Hon. J. Burnam, of Kentucky:

BROTHER GRAVES:

DEAR SIR:—Your letter of the 18th instant was received yesterday morning, and contents noted, and I hasten to reply.

The conversation alluded to in my letter to you from Scottsville, in October last, was in substance about this:

In the latter part of September, or early in October last, I met with Dr. Dudley Winston, on the street in Bowling Green, Kentucky, when and where we had some conversation in reference to the difficulties in the First Baptist Church in Nashville, when, after several inquiries made by myself, and responded to by Dr. Winston, I then asked him what would be the result. He remarked, that it would result in the exclusion of Graves, (or that he thought it would so result,) and then said that he would not be astonished if the Concord Association dropped the First Church.

The above is substantially what was said in reference to the result of the Church, and the anticipated action of the Association.

I have no doubt that, if you should address a note to Dr. Winston, making the inquiry, that an affirmative response will be given.

Very respectfully yours,

JOHN BURNAM.

BOWLING GREEN, Feb. 22, 1859.

DEAR BROTHER JAMES:—\*—Your letter of September 29th was received by last mail, and contents noted. It can be proven by Berry Moody and John T. Buck, that Elder A. D. Sears said that Dr. C. K. Winston, while here last summer, said that J. R. Graves would be excluded from the Church.

J. H. Caldwell, cashier of our bank, says that Dr. Winston told him while here, 1. He said, without any sort of hesitation, that he (Graves) *ought* to be turned out of the Church.

2. He said, if he should be turned out, that the Church would only lose about a dozen Yankees in consequence.

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\* Addressed to his brother, J. M. Pendleton.

3 He said, that he (Graves) was the "biggest rascal" in — the State, or some other place. He (Caldwell) was not certain as to the place.

Sears has been understood to say, that Dr. Winston said, he would feel himself disgraced to be caught walking the streets of Nashville in company with Graves.

Caldwell is understood to have said, (and I suppose there is no doubt about it,) that Dr. Winston said, Graves was the most ungrateful wretch that ever lived; that he, (Winston,) when Graves was poor, had endorsed for him to an extent, that if he had to have paid it, it would have ruined him; but that as soon as Graves was in a condition that he did not need his help, he then kicked him off, (or something to that effect.)

You know while Graves was down South last spring, Dr. Winston published a card in reference to the funds that were in the hands of Graves, Marks & Co., belonging to the Publication Society. Graves, when he returned, thanked Dr. Winston through the paper for what he had said. Winston, while here, complained that Graves's notice was designed to make a false impression, by making it appear that he (Winston) was his friend, etc.

I have probably said enough. There is no doubt that Dr. Winston is a bitter enemy of Graves.

Your brother,

HOPKINSVILLE, Kentucky, Oct. 5, 1858.

W. H. PENDLETON.

Will you believe me when I tell you, that this last brother was made moderator during my trial, and did prepare the block for my execution by a speech when he took the chair, and did refuse me even common justice the night I appeared before the Church to protest against its action! And yet Dr. Winston professed to be my friend before the General Association.

These, brethren and fathers, are some of the facts I present to sustain my first proposition, that my exclusion from the Church, my disgrace and ruin, was maliciously determined upon and avowed before the prosecutor left Richmond; that he has steadily pursued his aim, and in this city avowed his design to ruin me, cost him, cost the Church, cost the denomination what it might. Presuming on his great influence as President of the Southern Baptist Convention, he believed, without a doubt, that the denomination would sustain him; and he believed, if I could only be excluded from the Church, however innocent, the denomination would very soon acquiesce in it. The course he pursued, from the day of his arrival, to effect my disgrace, when *professing friendship* to my face, you have seen

## HISTORY OF THE DIFFICULTY, AND REVIEW OF THE FIRST CHARGE.

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ELDER GRAVES continued his address until the hour of half-past ten, when, on motion, the Council adjourned, with prayer by Elder John Bond, to nine o'clock, Wednesday morning.

### MORNING SESSION, NINE O'CLOCK.

Council met according to adjournment.

Reading a portion of the Scripture by the Moderator. Prayer by Elder B. T. Butler.

Minutes of the previous meeting being read and corrected, were approved.

Elder Graves resumed his address, which he left unfinished the night before.

Elder Graves remarked, that he relied on the testimony of Elder R. G. Kimbrough to corroborate preceding testimony, and had confidently expected him to be at the Council; but as he was not present, (being detained at home, as he learned, by sickness,) asked permission to procure his written testimony, and insert it in his defence, which, on motion, was granted.

Elder Graves having finished his plea of about six hours in length, it was submitted to the Council for examination.

On motion, agreed that special committees of three each be appointed, to whom shall be referred all the charges, specifications, and arguments of the prosecutors, together with Elder Graves's defence, for thorough examination, and to report at some subsequent session of the Council.

Whereupon the Chair appointed Elder E. W. Haile, G. W. Everett, and Elder J. Bond on the first plea.

The clerk then read the charges preferred against Elder G., and the specifications under the first charge.

He commenced his review of these, and continued until twelve o'clock, when, on motion, the Council adjourned, with benediction by the Moderator, to two o'clock P. M.

## DEFENCE AGAINST THE FIRST CHARGE.

## PLEA II.

*I plead in the second place that it would have been wrong for me to have gone into the proposed Church trial under the circumstances, and therefore I am not chargeable with the sin of rebellion against Church authority, or promoting schism, as charged.*

I shall support this plea upon the following grounds :

1. The offences charged were individual or personal offences, and not public offences, in the ecclesiastical sense of the word—wrongs alleged were done to *individuals* mentioned; not sins like murder, or adultery, or incest, offending all Christians *generally and equally*; and, therefore, the parties were bound by the law of Christ touching personal offences, found in Matthew xviii.

2. The law of Christ, the only Lawgiver in Zion, was openly rejected by the prosecuting party in bringing the case, and by the Church, in determining to try the case against the earnest remonstrance of the accused, and a large and respectable minority, consisting of the oldest and most pious members of the Church.

3. The jurisdiction claimed by the Church over foreign parties, without any preliminary preparation or notification of the party accused, and without permitting the accused to confront his accusers face to face.

4. The violation of all law and common justice in withholding the specifications from the accused, so that it was impossible to prepare a defence.

5. Baptist usage was discarded, which, under the circumstances, was *unjust*, and, under any circumstances, except the most unquestionably public offences, *inexpedient*.

6. The Church, or a large and ascertained majority, was evidently committed to my conviction in any event.

As I am requested by the Church to pass through and examine before her membership, and before you, brethren of the Council, the document published to the world by that party, purporting to be the correct record of its proceedings, and all the charges alleged against me, with the proofs by which they were declared sustained, I will briefly pass this document under review, and sustain these grounds from the admission and arguments of my prosecutors themselves.

*Record of the Prosecution.*

NASHVILLE, Sept. 8, 1858.

At the regular monthly meeting of the First Baptist Church, held this evening, after the transaction of several items of business, a paper was presented by Brother Chas. A. Fuller for the consideration of the Church, which was read as follows :

We, the undersigned, members of the First Baptist Church, Nashville, Tennessee, charge Rev. J. R. Graves, a member of said Church, and one of the editors of the Tennessee Baptist, with grossly immoral and unchristian conduct, in four distinct cases, as follows :

First, In that he has sought to bring upon R. B. C. Howell, the pastor of said Church, reproach and injury, and thus to destroy his character and influence in the Southwest, by forcing him into collision with Rev. A. C. Dayton, late corresponding secretary of the Bible Board, and now one of his associate editors, through the publication in his said paper of various false and malicious representations.

Secondly, In that he has endeavored to distract and divide said Church, by means of a conflict between its pastor and four of its deacons, and several others of its influential members, which he has labored to produce by various inflammatory articles, published in his paper.

Thirdly, in that he has uttered and published in his said paper against R. B. C. Howell, the pastor of this Church, sundry foul and atrocious libels.

Fourthly, in that he has at various times attacked, slandered and abused ministers and brethren of high character, belonging to our denomination, throughout the country, in his said paper.

J. C. DARDEN,  
CHARLES A. FULLER.

CASE 1. Under the first charge, we refer to "The Southern Baptist Register," for 1858; to the "Tennessee Baptist," No. 23, Feb. 13, 1858, and No. 24, Feb. 20, 1858, and No. —, July 17, 1858.

CASE 2. Under the second charge, we refer to the "Christian Index," No. —, April 23, 1858, and to the "Tennessee Baptist," of the following numbers and dates: No. 23, Feb. 13, 1858; No. 26, March 6, 1858; No. 33, April 24, 1858; No. 24, Feb. 20, 1858.

CASE 3. Under the third charge we refer to the "Tennessee Baptist" of the following numbers and dates: No. 24, Feb. 20, 1858; No. 26, March 6, 1858; No. 23, Feb. 13, 1858; No. 25, Feb. 27, 1858; No. 29, March 27, 1858; No. 30, April 3, 1858; No. 31, April 10, 1858; No. 32, April 17, 1858.

We make incidental references to the following:

"Tennessee Baptist," No. 23, April 13, 1858; No. 24, Feb. 20, 1858; No. 45, July 17, 1858; No. 49, Aug. 21, 1858; a note addressed to Mr. Graves, dated April 3, 1858; correspondence between C. K. Winston and C. A. Fuller, and J. R. Graves, H. G. Scovel, and G. C. Creighton.

CASE 4. Under the fourth charge, reference is made to the conduct of his paper generally for some years past. See the articles with regard to R. Fuller, in 1853; to W. C. Duncan, of New Orleans; to W. W. Everts; to J. P. Tustin; to John L. Waller; to J. E. Dawson; to Matt. Hillsman, and to the Bible Board.

Having heard read the aforesaid paper, a motion to lay the same upon the table was lost; whereupon the following resolutions, offered by Brother A. Nelson, were passed:

*Resolved*, That the charges against Rev. J. R. Graves be entertained, and they be set for hearing on the 21st of September, at 7½ o'clock in the evening.

*Resolved*, That Rev. J. R. Graves be furnished with a copy of the charges, and be summoned to attend.

On motion, adjourned till 21st September.

TUESDAY EVENING, Sept. 21, 1858.

Church met according to adjournment, and the meeting was opened with singing and reading the 67th Psalm. Prayer by Dr. S. D. Whitsett.

The pastor of the Church having suggested the impropriety of his acting as Moderator, under existing circumstances, Dr. C. K. Winston was called to the chair, to preside during the pendency of the trial of Rev. J. R. Graves.

The minutes of former meetings were read and approved, when the Moderator announced the meeting ready to proceed to business. Rev. J. R. Graves not being present, the trial was postponed three weeks, (to October 12th,) and the Clerk, *pro tem.*, instructed to communicate to Brother Graves this action of the Church.

Dr. W. P. Jones then offered a paper for the consideration of the Church, which reads as follows:

Inasmuch as individual members of this congregation, and the Church collectively, seem peculiarly liable to be misrepresented; inasmuch as we desire in all things to be circum-spect, and in so far as we can to avoid strife, and to arrive only at facts in the progress of the investigation upon which we have now entered; and inasmuch as we recognize the divine authority of that commandment, "Let all things be done decently and in order;" therefore,

*Resolved*, That as a matter of common justice, equality and safety to all, we employ an approved reporter, whose duty it shall be to report fully, fairly, and impartially, the testimony adduced by either party to this trial.

*Resolved*, That the reporter shall keep in their order all resolutions, etc., with as much fidelity as practicable to the language of the speaker; shall take full notes of all the speeches or remarks which may be made by any one on either side of this controversy, or in anywise pertaining thereto.

*Resolved*, That these reports, as approved, endorsed or passed by the Church Clerk be read (as the usual matters of business) at each subsequent meeting of the Church, and when thus publicly corrected, in accordance with the known facts, that they become a part of the permanent records of this body, subject only to its order.

On motion, the foregoing preamble and resolutions were adopted, and Dr. W. P. Jones, A. Nelson, Dr. J. D. Winston and E. F. P. Pool, were appointed a committee to procure a reporter.

After the transaction of other business, the Church adjourned.

At the regular monthly meeting of the Church, held October 6th, the committee appointed to procure a reporter submitted the following report, to wit:

We, the committee appointed to secure the services of a reporter or reporters, in the case of charges preferred by C. A. Fuller and J. C. Darden against Elder J. R. Graves, met at the office of Dr. Winston—present Dr. W. P. Jones, A. Nelson, and E. F. P. Pool—when it was agreed that A. Nelson and E. F. P. Pool should see Mr. J. M. McKee, of the Union and American office, and Mr. H. K. Walker, of the Banner.

We saw Mr. McKee, who informed us that he would undertake to report the proceedings on Tuesday night next, and for his services he would take a fair compensation for the labor performed.

We then saw Mr. Walker, who agreed to undertake if it would be allowed to publish the reports in his paper. If not, he could not say, nor would he agree to act; as he said his main object would be to get it in the Banner.

A. NELSON,  
E. F. P. POOL, } Committee.

On motion, Mr. J. M. McKee was selected as the reporter, and L. Collins requested to act as assistant. Adjourned.

#### DEFENCE.

It will be seen, from the above record, that Mr. Pool had no hand in selecting or recommending any reporter to the Church. He was requested by A. Nelson to unite with him in recommending Mr. McKee, but he promptly declined, upon the ground that he (Pool) knew nothing about the qualifications of Mr. McKee, and therefore could not recommend him as competent. I call your attention to this fact, because it is currently reported by the prosecuting party that I had a representative who aided in procuring a reporter, and thus recognized the transactions of the

Church. I was several hundreds of miles away, and ignorant of the whole affair until the 12th of October!

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PROSECUTION.

TUESDAY EVENING, Oct. 12, 1858.

The Church met pursuant to adjournment.

The exercises were opened by reading a portion of Scripture, and prayer by the Moderator.

The Moderator then announced that the Church had met for the purpose of trying Elder J. R. Graves, upon the charges preferred against him by members of the First Baptist Church, and the Clerk was directed to read the record of the proceedings had so far in the case, including the charges:

The record having been read, the Moderator stated that if any member had any objection to the same, he would please to make it known.

No objection having been made, the record was declared approved.

The Clerk then read the following paper:

We, the undersigned, members of the First Baptist Church, Nashville, Tenn., charge Rev. J. R. Graves, a member of said Church, and one of the editors of the Tennessee Baptist, with grossly immoral and unchristian conduct, in that he has uttered and published in his said paper the following wilful and deliberate falsehoods:

1. "We can, with a clear conscience, appeal to the Judge of all the earth, that we have not intentionally injured any man, and if we have unwittingly done so, we truly regret it, and are willing to repair the injury."

2. "All that we could rightly do to effect a reconciliation, though the offended and assailed party, we have done."

3. "It will be seen that both the *lash* and the *law* have been threatened against one or all the editors of this paper."

4. "Reports have been put forth from this city and circulated in it, that the senior editor of this paper was a vile character, a dishonest man, and that frightful revelations would be made of his standing at home when the Church trial came off. (Note.) Elder Howell made this charge before he had been in the city nine months."

5. "What frightful crimes are we charged with? The most stupendous one is the leaving off the D. D. from the name of R. B. C. Howell in the Southern Baptist Register for 1858."

6. "We are arraigned before the Church for grossly immoral conduct and atrocious libel, &c., because we have left the D. D. off Elder Howell's name."

7. "One of the very prosecutors he [Howell] employs, C. A. Fuller, can threaten to cowhide Elder Dayton, not only in his office, but even in the hearing of the whole Church, and not so much as reproof is offered him."

8. "The other principal orator of the 21st of September, [Dr. W. P. Jones,] is not only known to Elder Howell as a teacher of gross heresy in his class—teaching views calculated to overthrow one of the articles of faith of the First Baptist Church, a fundamental article of Christianity and religion—but known also to Elder Howell and the Church as the public defamer of Elder J. M. Pendleton; not only so, but he is permitted to defame Elder J. M. Pendleton in the *Church meeting* of the 21st, before Elder Howell's face, without receiving so much as a reproof from Elder Howell."

9. "Our readers will notice the closing period of Mr. Fuller's article. [I defer further remarks until a future opportunity, when A. C. Dayton shall have no occasion to say he has not reaped an ample reward for the vituperation in which he has of late so freely indulged.] It is singular language for a Christian gentleman to use toward a brother in the same Church, and a brother Mason. Such threats of brute violence, which have been twice repeated—once to Bro. Buchanan,

and once upon the floor of the Church, in Church meeting, reflect no credit upon either Mr. Fuller's *bravery* or his principles."

S. M. SCOTT,  
A. NELSON.

It was moved and seconded that these charges be entertained by the Church, which motion being submitted to the Church, was adopted.

Thereupon the Moderator declared that the Church had decided to entertain the charges preferred against Elder J. R. Graves by S. M. Scott and A. Nelson.

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#### DEFENCE.

I notice the above fact as another proof of the determination of this party in the Church to effect my ruin by this prosecution, at all hazards. I submit whether it is according to the law or usage of any civilized people, when a man stands arraigned before a jury, for theft or misdemeanor, to arrest the proceedings, and publicly indict him for arson and murder, in the hearing of the jury. I am not familiar with judicial proceedings, but my sense of reason, and sense of justice and right, revolts in disgust at such a procedure. Brethren, if a grand jury has found fifty bills against a man, and placed them in the hands of the prosecuting attorney, can that attorney, when prosecuting the accused on one before the jury, be allowed to read the remaining forty-nine before the jury, or refer to them to the prejudice of the arraigned? Does not the law pronounce such an act "*oppressive*" and savoring of malice? The design of the party, in introducing at this time a new class of ostensible prosecutors, and a long list of gross charges, is transparent. It was to overwhelm my friends both within and without the Church, and influence them to withhold their sympathy as useless, and to strengthen the resolution of the dominant majority; and should my defence against the first list be too successful to warrant them in bringing me in guilty, some showing might possibly be made upon these new charges, founded upon an article written a few days before, and a verdict might be based upon both, and if they found both to be insufficient, they could manufacture new lists of charges, as the trial progressed! This, I understand, was the plan. I submit this course of procedure to the condemnation of a Christian public and the civilized world.

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#### PROSECUTION.

Mr. Fuller submitted a motion that the charges previously presented against Elder J. R. Graves, and set for hearing to-night, be now taken up and considered.

Which motion, being submitted to the Church, was concurred in.

Mr. Scovel wished it noted upon the record that he was opposed to trying Elder J. R. Graves upon the charges preferred against him in the manner in which these proceedings had been instituted.

The charges having been read by the Clerk,

The Moderator called on Elder Graves to state whether he admitted or denied the charges.

Elder Graves: "I deny."

The Moderator: "Then it will devolve upon the prosecution to establish the charges preferred against Elder Graves."

Elder Graves inquired whether he would be allowed to answer these charges preferred against him. He was accused of making libellous charges against his pastor, and he desired to meet and answer them.

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DEFENCE.

If I ever instituted such an inquiry, I have no knowledge of it. I never asked permission to meet and answer these charges; but said that I had something to say with respect to my arraignment, and asked permission to be heard a few moments.

This report commits me to the trial then pending, makes me ask the privilege of taking a part in it, which I never did; having resolved to suffer exclusion solitary and alone, for resisting the unscriptural jurisdiction of that dominant majority, rather than to be a party to the violation of the laws of Christ.

If any one present heard me use the words put into my mouth in this report, let them correct me here.

Will Brother Rutland state his recollection of what I did say?

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PROSECUTION.

The Moderator stated that, of course, he would be allowed ample opportunity to make his defence at the proper time, but that there was no motion before the Church at present, and until a motion admitting of debate was submitted, Elder Graves could not be heard.

Elder Graves protested against this trial as being unscriptural, and appealed to the Church to hear him in defence.

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DEFENCE.

I did not ask to make a *defence*, but to give my reasons for protesting and resisting these proceedings.

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PROSECUTION.

The Moderator stated that if Elder Graves desired to be heard by the Church, a motion to non-suit the charges for informality would bring the case up for consideration, when he could make any statement he desired.

Mr. Rutland submitted a motion that the charges preferred against Elder J. R. Graves be thrown out, because the scriptural usage in such proceeding had not been observed.

The Moderator declared this motion in order, and that Elder Graves could now be heard.

Elder Graves stated that he had something to say in regard to this trial, and, that he might not be misrepresented, he had committed what he had to say to writing. He then read the following protest:

## PROTEST.

I received, upon my return home, a copy of the charges preferred against me, in my absence, by two members of this Church, in behalf of the pastor, (Elder R. B. C. Howell,) and several other private individuals, for alleged *personal* offences given in the course of my public journalism for the past five years. I might justly complain at being seized of an ecclesiastical arrest while in another State, intently prosecuting a great denominational enterprise—when the alleged offences had been of so long standing, and my residence here had given the parties the most ample opportunity for conference or arraignment—yet I will not complain, nor even inquire into the motive of this strange procedure.

First of all, I desire that it shall be distinctly understood that I stand ready, now and ever, to meet any and all charges brought against me, either as a citizen or as a Christian. But as an American citizen, I have the right to be tried by the laws of my country, and no man can force me to be tried by any other. I might be lynched by a mob; but tried I could not be, except by the law of the land. As a Christian and a Baptist, it is not only my right, but my duty to be tried by the laws of Jesus Christ, the only Head of his Church. By the laws of Christ, found in the New Testament, I am ever ready to be tried. Let me be arraigned according to those laws, and by those I will most cheerfully be tried. I appear before this Church to demand a scriptural arraignment, and a fair and impartial trial for the offences alleged in the indictment, and if I can be convinced that I have *unwittingly* injured any one of these parties, (for *intentionally* I know I have not,) I am ready to make whatever satisfaction a Christian brother can make, or any one rightly demand. Duty to Christ and love to my brother would impel me to do this; nor would it be to me a mortification, but a pleasure. But since these charges have been brought, and thus far entertained by the Church, not only without the sanction of the laws of Christ, but in direct and open disregard of their express requirements, I must, should I voluntarily submit to be tried upon this arraignment, regard myself as giving sanction to a proceeding which is in open violation of the commandment of Christ, and I therefore respectfully decline to answer to these charges as brought before you, and solemnly protest against your past proceedings in my case.

Were I as certain of being triumphantly acquitted under this process, as I am certain that I am innocent of having unnecessarily and intentionally given offence to any one, I would no less earnestly and solemnly, as a Christian, a Baptist, and a minister, bound by fealty to Christ alone, and witnessing for the dignity and authority of his word, protest, in the name of the Lord Jesus Christ, against being made, in any sense, a party to such unlawful measures.

1. IN MY ARRAIGNMENT YOU HAVE BOTH DISREGARDED AND OPENLY VIOLATED, BEFORE THE EYES OF MEN, ALL THE LAW OF CHRIST.

Three of the four charges preferred are confessedly personal to the

pastor of the Church. This was distinctly avowed by the pastor when at your meeting, on the 21st September, he declined acting as Moderator during the progress of this trial, and of this I have other proof under his own signature.

The law touching personal offences is most clear and explicit, and reads as follows :

*“ Moreover, if thy brother shall trespass against thee, go and tell him his fault between thee and him alone : if he shall hear thee, thou hast gained thy brother. But if he will not hear thee, then take with thee one or two more, that in the mouth of two or three witnesses every word may be established. And if he shall neglect to hear them, tell it unto the Church ; but if he neglect to hear the Church, let him be unto thee as an heathen man and a publican.”*

Now, it must be evident to every unbiased mind, that if the pastor was offended with me, it was his duty to come to me privately, and in the spirit of a brother, and tell me my fault between him and me alone, and seek reconciliation and reparation. If he found me obstinate and impenitent, he should have taken one or two other brethren, (*not my known and bitter enemies,*) but those who were known to have our mutual good at heart, whose testimony should be sufficient to convince me of my error, should they testify against me ; and not until I had refused to hear them, should my pastor have told his offence to the Church, or have suffered it, with his consent, to be told to the Church. Now, if this Church, by its action, sustains the pastor in his open disregard of the plain letter of the law of Christ, by inducing or permitting other brethren to prosecute an offending brother for him without complying with these requisitions, then this Church decides that this law concerning personal offences may at any time be set aside by a similar subterfuge. If A offends B, B need only get C or D to prosecute A before the Church for the offence.

The first step in the process of gospel discipline has not been taken in my case, nor has the second ; and the prosecutor *de facto* has persistently refused to take them ; and until he does, the Church cannot, in accordance with the law of Christ, entertain his charges ; and not only so, but if he persists in refusing to regard them, it will be her duty to arraign him for an open violation of the word of God.

Remand, then, this case, as it is your duty to do, and let my pastor seek a private interview with me ; and if I fail to do my duty in the premises, “ let my right hand forget its cunning ;” and if a personal interview fails, let him come to me with one or two more brethren, (our mutual friends,) and if I neglect to hear them, “ let my tongue cleave to the roof of my mouth ;” if I am arraigned before my Church, when convened in the spirit and authority of the Lord Jesus, and the Church utters her voice, and I refuse to hear it, *then*, but not until *then*, let me be unto you “ as a heathen man and a publican.”

2. But I protest against these proceedings upon another ground ; and that is, that they are calculated to make, and do make, a false representation of the facts in the case, inasmuch as they present me as the offending, whereas, I am in reality the offended party—as I am fully prepared to show.

As the offended party, I have endeavored to take the gospel steps, but I have been denied both a private interview and one with brethren. I have besought him to meet me in the spirit of Christ, assuring him that if I could be convinced that I had done him wrong, I would offer him the most ample satisfaction; but he has treated my overtures with the utmost contempt, and refused any interview with me. It was because I was encouraged to hope that a private adjustment possibly might be effected, that I delayed my appeal to the Church for advice. It was while affairs were in this posture that I was called away, and during my absence this indictment was preferred against me through a third party.

3. I also protest against the right of this Church to try me upon the fourth charge: *Because this Church as yet has no possible jurisdiction over the matters charged.*

1. The charge has reference to alleged offences against sundry persons living and dead, mentioned in the specifications.

The matters charged are, therefore, confessedly personal to those individuals, and must be brought to trial according to the law of Christ for personal offences. (Matt. xviii. 15-17.) The directions of Christ have not been observed in any of these, and, therefore, this Church cannot rightly entertain the charges against me.

2. Because this Church manifestly has no authority to prosecute it (the fourth charge) under the circumstances as they exist, and if she does it, she does it contrary to all law, human and divine. For,

The parties are not known to this Church as complainants. Many of them owe no jurisdiction to this Church. My acquittal would involve their condemnation and disgrace. What right, then, has the Church to investigate and pass upon their conduct without their knowledge or consent, and thus implicate their conduct or character before the world?

These foreign parties, Waller, Fuller, Duncan, Everts, Tustin, and Dawson, are either ignorant that a charge is preferred here that involves them, or they are knowing to it, and have authorized Messrs. Darden and Fuller to prosecute me on their behalf.

If they are ignorant of your doings, or have not authorized you thus to involve them, then have you already perpetrated a gross outrage upon their rights, and if you proceed, may inflict an irremediable injury upon them, by passing upon their conduct in their absence without their having an opportunity to explain or defend. But if they have given their consent, then they are really parties concerned, and are bound with the pastor of this Church to observe the laws of Christ as regards personal offences.

But I have the evidence that several, if not a majority of the parties mentioned in the fourth charge, have not only not given their consent to this trial, nor desired it, but some of them were even ignorant of it until informed by myself, and express their surprise that Messrs. Darden and Fuller should undertake this prosecution for them.

I doubt if a charge of this character was ever before brought under such circumstances in any civilized land.

But even though I could have waived all these difficulties, and gained my consent to go into trial under these charges, yet there is one circum-

stance which would render it impossible for me to make a right and true defence. I protest, therefore, in the third and last place, against going into this trial on the ground that you have given me no such specifications as will enable me to know what is relied upon by my accusers for my conviction.

You have, indeed, referred me to the Southern Baptist Register for 1858, a work of sixty pages, but I do not suppose any one regards the whole document as grossly immoral and unchristian, and I have no means of knowing with any certainty of what part, or how many parts, Elder Howell complains. He has never told me. You refer me to sundry numbers of the Tennessee Baptist, but have left me in utter ignorance of what articles, or what sentences, are to be regarded as injurious or libellous. If you had intended that I should have a fair trial, you should have shown me the very words and sentences which were regarded as wrong, so that I might have come here prepared to prove their truth, or to explain them, if possible, so as to remove the offence.

It is the custom in the Romish Inquisition to put men on their trial without specifications of their offences, so that they may not be able to make good a defence; but "*we* have no such custom, neither the Churches of God."

For these and other reasons, I entreat you in the name of justice, nay, I charge you by the authority of the Lord Jesus, that you rescind your proceedings touching me, and require of those claiming to be offended with me, to observe the plain requirements of the word of God, by taking the well-known steps of gospel discipline, and that you will not attempt further to force me into a trial under such circumstances as these.

If, however, you persist in the course which has been followed thus far, and determine to proceed with an investigation, I dare not give my consent, and do hereby declare, that I will be no party, direct or indirect, to such unscriptural proceedings.

If you refuse to grant this protest, I ask, as an act of justice to me, that you will allow it to be entered upon the records of this Church.

Respectfully submitted,

J. R. GRAVES.

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#### PROSECUTION.

Dr. Howell stated that he was surprised to hear the paper just read by Mr. Graves. It devolved upon him to make an explanation in regard to the case before the Church, which he would do in as few words as possible.

Mr. Graves, he said, protests against this trial as unscriptural and unjust, on several accounts, but mainly because, as he alleges, the previous scriptural steps had not been taken. He (Dr. H.) did not consider it in this light, or it would never have had his sanction. He knew well, and the fact would appear in the trial, that on his part the measures adopted had all been strictly scriptural. The charges against Mr. Graves were preferred not by him, as the gentleman alleged, but by Brethren Fuller and Darden, who were members of this Church in good standing, and fully able to maintain the ground they had assumed. It matters not who advised the course to be pursued; they were here to prosecute the charges they have preferred against Mr. Graves.

The relations that subsisted between Mr. Graves and himself were of a friendly character until a proposition was made in the Convention here to establish a Sabbath-school Board of Publication. He had taken a special interest in Mr. Graves, and done all he could to promote his welfare. He had advised Mr. Graves that his (Graves') honor demanded that he should not insist upon the appointment of this Board; that if he did, since he was a publisher, people would say that he did so from interested motives, though he (Dr. Howell) had taken particular pains to assure Mr. Graves that he himself did not charge any such motive. This, according to Mr. Graves, was the origin of this difficulty. It was, then, Mr. Graves's duty to have come to him, and to have demeaned himself as directed in the 18th chapter of Matthew. Instead of this, Mr. Graves had assailed him (Howell) in a grossly personal and abusive manner through his newspaper, the Tennessee Baptist, and that, too, for doing what he considered an act of kindness. The law of brotherly love, and governing, as Mr. Graves claims, in this case, as laid down by Matthew, had not been observed by Mr. Graves, who professes to have been aggrieved by his (Howell's) course, in regard to the creation of a Sabbath-School Board. Mr. Graves did not come to him and state his grievance, but assailed him violently in the Tennessee Baptist, week after week, for two months. Many of the proofs to sustain the charges against Mr. Graves had been selected from his paper during that time, and these extracts show that the temper that was manifested from that quarter toward him was any thing but brotherly. If he had offended Mr. Graves, according to the doctrine of his protest, he should have come to him and expostulated with him as a brother.

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#### DEFENCE.

These statements are specious, and well calculated to make false impressions.

1. Elder Howell does not say here, as it is elsewhere asserted in this document, that I refused to go into trial because I was innocent.

2. Elder Howell does not deny that he advised Mr. Darden and Fuller to bring these charges for him; and there can be no doubt in the mind of any one conversant with facts, that these charges would never have been brought by these men unless Elder Howell had put them up to the act.

I have already produced evidence (see Elder Jewell's testimony) to prove that the prosecution was gotten up in Elder Howell's study, and under his own eye, by his son and Dr. W. P. Jones; and that Elder Howell is the only prosecutor deserving the name, this whole document abundantly shows. I submit this question, of vast practical importance, to all our Churches: "Can personal offences be transformed into public ones, whenever the offended party can get a third person to bring the matter before the Church?" And when you decide this, say if such a proceeding would nullify the law for personal offences altogether? Can a Church entertain a case so brought?

3. Elder Howell says these men, Mr. Darden and his associate, were here to prosecute the charges. Let us see the prosecution conducted by Mr. Darden—see what utterance *he* ever gave in the trial—and decide if he was not the merest tool in the whole transaction.

4. Mark well the declaration of Elder Howell, that he was friendly to me up to the 23d of October—the Sabbath School Convention. Compare

this statement with his purpose avowed to Mr. Walton and others before he left Richmond, to accomplish my ruin so soon as he returned to this city—that there would be but one big man then in Nashville. Compare this statement with his most unkind and oppressive treatment of me in the public and social meetings of the Church, while he was professing Christian regard for me to my face; making no explanation to me of his course. I will not pronounce it hypocritical; but it did not seem to me free from duplicity or guile.

5. Let it be marked how particular Elder Howell is in the use of his words. He had virtually charged me and others before the public with corrupt or mercenary designs in getting up the Union, or at least the Board of the Union; but he evades the responsibility of the charge, by saying that others would say so; though he wished it to be understood that he did not charge it. He does not say he does not believe it, that its subjects are above his suspicion; for we have shown, by Mr. Walton, that he (Howell) did in his heart, at the time, regard me as corrupt and mercenary; that he had long regarded *me as rotten at heart*, and yet he was friendly to me!

6. All can see, that while I had just cause to be deeply aggrieved, Elder Howell had, by his public disavowal of making the charge himself, forestalled any personal complaints or visitation on my part. I had yet to wait for time to prove his sincerity, or for Elder Howell to give me unquestionable grounds to complain of personal wrongs without being open to the charge of seeking a collision with my pastor.

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#### PROSECUTION.

“When, after all this, Mr. Graves had taken a prominent part in a prayer-meeting in his (Howell's) absence, he had addressed a strictly private note to Mr. Graves, stating that this was offensive to members of the Church, on account of his conduct toward him, and requesting him not to repeat it until he had withdrawn the charges he had made against him, (Howell,) as publicly as he had made them. This note, marked *strictly private*, Mr. Graves made it a point to show to as many as he could approach, and had published and spread broadcast over the whole South. Notwithstanding this, he (Howell) hoped, for various reasons, that it would not be necessary to bring his conduct before the Church, and had waited three months to see whether a sense of duty would not prompt Mr. Graves to do him justice.

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#### DEFENCE.

1. Mr. Howell virtually confesses that he was and had been all along carrying out the wishes of a party in the Church, when he gives it as his reason for not calling upon me to pray in the social meetings, that there were those in the church opposed to his calling upon me. He had not learned it that night, evidently, but it had been settled as the policy to be observed toward me from the first, for he had unceasingly pursued it from the first, his positive declaration to the contrary

2. Mark especially, that Elder Howell did not say in that note that the charges he demanded I should retract were those I had personally made against him, as he above asserts; and let it most especially be observed, that Elder Howell has, strange to say, since that night, *interpolated his note to refer to charges I had personally made*. Here is that sentence in his note as published in the "Trial" he has put forth:

"I hope you will not repeat it until you shall retract the charges [you have set forth] against me, as publicly as they have been made."

Elder Howell's note as published and sent forth, makes a very different impression from the one sent me, and involves me in falsehood in the letter I returned. Why should Elder Howell do this? Did he not well know that not one in one thousand of his readers would understand the difference made by his *brackets* in which he includes his interpolation?

I shall explain that note more fully hereafter.

3. I wish you to mark his declaration in this speech, that he had hoped, for various reasons, *that it would not be necessary to bring my conduct before the Church*, and had waited three months, to see whether a sense of duty would not prompt me to do him justice! Now, brethren, is not this conclusive of the fact that up to that night Elder Howell regarded the matters brought before the Church as purely personal? He knows, and you know, that had my offences been of a public character, as drunkenness or adultery, etc., the settlements he and I might have made, could not have made it unnecessary for the Church to have acted. Explanations or reparation to individuals do not belong to the nature of public offences; all Christians equally are offended. Does he not also admit, by implication, that had I done *him* justice, my conduct would never have been complained of to the Church?

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#### PROSECUTION.

The effort to bring about an adjustment between them having thus failed, brethren inquired what ought to be done—whether they ought to wait for the regular church meeting; he (Howell) replied, certainly, do not be in a hurry about it—that the matter ought to be brought before the regular Church meeting and a scriptural discipline enforced. This step was accordingly taken, but Mr. Graves being absent, he had advocated and advised, and all cheerfully concurred in a postponement of action in the matter until his return.

Dr. Howell stated that he had been in the ministry nearly forty years, and had lived peaceably *with all men* up to that time, and he would show, in the course of that trial, that he had made every effort to live in peace with Mr. Graves.

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#### DEFENCE.

It is not true, if I am rightly informed, that Elder Howell had, for the space of nearly forty years, lived peaceably with all men. Elder Howell had not lived peaceably with Dr. Watson, one of the most distinguished ministers of the Primitive Baptists, and now Professor in the Medical College in this city.

He had not lived peaceably with Elder R. W. January, one of the most prominent ministers and revivalists in Middle Tennessee, who claims that his Churches were broken up or disaffected toward him by the cruel and unchristian course pursued toward him by Elder Howell, which drove him from the ministry for a support.

Brethren, I call your attention to this statement, for the very reason that influenced Elder Howell to make it. If it be true that during all his ministerial career he never had a difficulty with a minister or brother before, the probabilities would be that I am in the wrong now.

I was slightly conversant with the facts relative to Elder R. W. January. I know how Elder Howell labored to prejudice me against that man, and when I came to know more of the facts, I saw how cruelly, how unjustly Elder Howell treated him, and that without cause or provocation. I instructed the clerk to write to Elder January for his testimony, and I here submit it to you. The history of the wrong endured, you will see, fills over twenty pages of foolscap.

No one can read it without being astonished that a professed Christian, to say nothing of a minister, could treat another as Elder Howell treated Elder J. for a course of years, according to the facts submitted in this testimony. Elder Howell spared no means, scrupled to use no measures to crush down Elder January as a minister, and drive him from his Churches, even though the Churches themselves were rent and ruined by the act. This record of injustice and oppression submitted to by Elder January, is only equalled by the course Elder Howell has seen fit to pursue toward me. I do hope the Committee will examine the testimony of Dr. January, and let it see the light if it is thought necessary.

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#### PROSECUTION.

Mr. Graves claimed to be the offended party. In reply to this Dr. Howell said that he had not published a paragraph in any newspaper since last December, except a short letter recommending Brother Walton as Corresponding Secretary of the General Association; while he had been assailed, week after week, in the Tennessee Baptist, in the most violent and personally abusive manner. During all this time he had purposely abstained from saying any thing about Mr. Graves, either in a newspaper or in the pulpit. How, then, he would inquire, could Mr. Graves, unless he recurred to what passed in November of last year, be the offended party?

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#### DEFENCE.

Elder Howell very discreetly says, he had purposely abstained from saying any thing about Mr. Graves, "either in a *newspaper* or in the *pulpit*," but he does not say that he saw the construction placed upon his speech and his letter in order to injure me most severely, and those connected with me by the papers under his influence, without correcting their construction, nor will he deny writing, all over the land, private let-

ters defaming me, and endorsing our defamers; of this course of his I have great cause to complain.

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## PROSECUTION.

Mr. Graves, he said, had inquired how many of the parties referred to in the fourth charge had been heard from. Dr. Howell stated that letters had been received from brethren Dawson, Everts, Tustin and Duncan, who demanded that the trial should be proceeded with. He was somewhat surprised at Mr. Graves' position in regard to the fourth charge. "If," said he, "a member of this Church slanders a brother not under its jurisdiction, are we to sit silent and permit it? Is the Church not bound to take notice of such conduct, in any of its members, and even though not requested to do so by the injured parties?" Letters had been received from several individuals besides those mentioned, and at least one Church abroad, demanding that this Church should proceed in the case of discipline now before it.

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## DEFENCE.

This is also additional proof that there was an understanding between Elder Howell and those men, to secure my exclusion from the Church. These men, and others whose names are not mentioned, were in the combination.

We submit it here, and shall hereafter, if it is admissible, according to Baptist usage, for foreign parties to complain by letter to a Church, and the Church to arraign the brother complained of and condemn him upon the bare charges of those brethren, without other proof, and knowing that the gospel steps had not been taken with the accused? If this is inaugurated for correct practice, where will our denomination be in a few years? How long would any man who had an enemy belonging to a Baptist Church in Great Britain or America be safe?

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## PROSECUTION.

Mr. Graves, said Dr. Howell, objects to this trial on the ground that the specifications upon the charges preferred against him are not sufficiently definite. He has not waited to hear the evidence, which will be forthcoming, in all its extent, when these charges come up for consideration. He refuses to be tried because he has not heard the evidence.

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## DEFENCE.

All can see that Elder Howell confounds *specifications* with *evidence* here. How can you account for it? Has he not sagacity enough to discriminate between them? Those who believe that he has, will be obliged to impute a disreputable motive for misleading the Church as he did here; for had the majority of the Church really believed that the

specifications were not furnished us, must I believe that they were so unprincipled as to have forced the trial upon me?

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PROSECUTION.

Dr. Howell hoped the Church would proceed with the case, and if Mr. Graves refused to attend and defend himself, it was his own business. Mr. Graves, with others, was editor of the Tennessee Baptist and if brethren were misrepresented, slandered and defamed by that paper, the Church ought to investigate such matters, and put its seal of condemnation upon the offender.

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DEFENCE.

While the slightest abuse of the principle asserted here would enthrone the Church a Supreme Censor of the press, and effectually crush the liberty of speech, yet we admit that when an editor slanders and defames a brother, and refuses reparation, when the law of Christ has been observed, the Church ought to take cognizance of the case, but not otherwise.

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PROSECUTION.

The impression had been attempted to be made by Mr. Graves, that he (Howell) regarded as a great offence the omission to attach "D. D." to his name in the Southern Baptist Register. He says, indeed, that *that* is one of the most *tremendous* (or some such word) of the charges against him. He (Howell) had seen that publication, but had not noticed whether the "D. D." was attached to his name or not. It was of no sort of consequence to him whatever, and no such charge was made, as Mr. Graves himself well knew. One thing, however, he (Howell) did notice. The Tennessee Baptist came to him directed in pencil, "Elder Dr. R. B. C. Howell, D. D."

Mr. Graves (interrupting) said that was done in the business part of the office, for which the editor assumes no responsibility.

Dr. Howell said that he would not then further discuss these questions, since they would all come up regularly in the course of the trial, and he should speak of them fully and satisfactorily. He hoped that the Church throughout the trial would be guided by the strictest impartiality. He appealed to the members of the Church to hear the evidence, particularly from the other side, if the defence should offer any, and, let come what would, *do right*.

Elder Graves said he was happy to confront Brother Howell. We are now doing what should have been done in the first instance—each specifying his grievances—but it should have been done privately, as between brethren, and not before this immense audience. Had this course been pursued, this matter might have been settled outside of the Church. Dr. Howell had closed his remarks by calling him (Graves) brother, and he cheerfully reciprocated the spirit which he hoped prompted it, for he entertained no ill-feeling for Brother Howell. He had no desire, and never had, to injure Dr. Howell, and if he (Howell) had come to him as his pastor and as a Christian brother, and made known his grievances, it would not have been his (Graves') fault if the matter had not been amicably adjusted. He contended, however, that Dr. Howell had not adopted this course, but had assailed him.

Elder Graves assumed that this is a personal and not a public matter, and should have been settled according to Matthew 18th. "Dr. Howell," he said, "had admitted that they were personal, when he gave his reasons for retiring from the Moderator's chair at the beginning of this trial, and had previously recognized it as a personal matter over his own signature. Dr. Howell," he said, "had commented with a good deal of warmth upon the positions assumed in his protest in this regard, and he would introduce the opinions of eminent members of the Baptist Church—scholars and doctors of divinity—to show that he was justified in the course he had pursued in protesting against this trial, and that Dr. Howell was bound to observe the scriptural usage in such cases."

Elder Graves then read the following letter from Rev. N. M. Crawford, D. D., Professor in Mercer University, who, he said, knew all about the matters complained of by Dr. Howell.

[See letter No. 1, in Closing Plea.]

Elder Graves stated that he had addressed a letter to Dr. Crawford previous to receiving the one he had just read, asking his opinion upon points, to which he received a reply which he read as follows:

[See letter No. 2, Closing Plea.]

Elder J. R. Graves said he would now read a letter from Rev. J. B. Jeter, who is also a Doctor of Divinity, which he regards as very conclusive upon the point at issue. He read as follows:

[See letter No. 3, in Closing Plea.]

Elder Graves said, that as Dr. Howell had endorsed this witness, he thought the matter between them might have been satisfactorily settled upon the basis marked out by Dr. Jeter. Dr. Howell had said, that if he (Graves) would have retracted the charges he had made against him, that would have been satisfactory, and would have restored their former relations. He had begged Dr. Howell to specify the offensive remarks in his paper, but he would not do it. He could not swallow his paper for the last five years. Elder Graves contended that what he had said in the Tennessee Baptist of Dr. Howell, was purely in self-defence. If Dr. Howell, however, had yielded to his importunities, and had specified the language of which he complained, and both had retracted whatever was considered offensive or unkind, this whole matter might have been amicably settled without involving the Church in what he considered a purely personal difficulty.

But, Elder Graves said, he would now read a letter from the President of Georgetown College, D. R. Campbell, who is a learned Doctor of Laws, in further support of the position he had assumed. He then read as follows:

[See letter No. 4, in Closing Plea.]

Elder Graves stated that he had a letter from Rev. Joseph S. Baker, of Florida, as well as others to the same point.\* He had clearly established, by the authorities he had read, the manner in which this matter ought to have been settled, and he appealed to the Church to dismiss the case, and require the prosecution to first take the steps as laid down in the law of Christ, and if he failed to comply with that law, then let them bring the matter before the Church, and deal with him as an offender should be dealt with. He contended, moreover, that the case, as it now stands, makes a false representation of the facts in regard to the difficulty between Dr. Howell and himself, by representing him as the assailing, whereas, he was the assailed party.

"Dr. Howell," said Elder Graves, "contends that this difficulty commenced here in this house, when the proposition came up before the Convention for the establishment of a Sabbath-School Board, but he thought it commenced earlier, and referred to Dr. Howell's treatment of him, from the time of his coming here up to the night he wrote him in regard to his participating in a prayer-meeting.

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\* Why did not Elder Howell allow them to appear in the published trial?

The course pursued toward him by Dr. Howell was a subject of remark by brethren. From the day Dr. Howell came back to this city, his course toward him had been most oppressive and injurious. He had never extended to him (Graves) the slightest courtesy—had never called upon him to lead in prayer-meeting, or invited him to take part in any other religious exercises; thus showing that he was not recognized either as a minister or as a Christian in his own Church. He felt, and all saw, the slight intended.

In addition to this, Dr. Howell, in his speech to the Sabbath-School Convention, had made a personal attack upon him (Graves) and those associated with him, in that it was done to injure him in the business by which he made his bread. And in December following, Dr. Howell published a letter in the *Christian Index*, in which this assault upon his (Graves') business, was repeated in even a more offensive form. All this, Elder Graves said, was done before he had published a line repelling these personal assaults upon himself and friends, and yet he was charged with having assailed and traduced Dr. Howell.

Elder Graves said, Dr. Howell asks what he had done to injure him, and replied that by his private intercourse, by his speeches and letters, running as far back as February, Dr. Howell had sought to injure not only his ministerial character, but his personal standing, assailing his honesty as a man.

Dr. Howell (interrupting) demanded the proof.

Elder Graves replied, that he had it, and would read a statement which had been voluntarily tendered him by the author. He then read the following:

"During the month of February or March, 1858, and while engaged in the legitimate pursuit of my business, in my office at Nashville, Dr. Howell made me, as I suppose, a casual call, finding me engaged on a drawing for Rev. J. R. Graves. As soon as the fact was known, (*i. e.*,) that the drawing was for Rev. Mr. Graves, Dr. Howell voluntarily remarked that the said Rev. J. R. Graves 'was a dishonest man and could not be trusted.'

"The above is communicated to Rev. J. R. Graves voluntarily, in view of the recent action of the First Church in Nashville toward that gentleman and brother, which I have learned from the columns of the Tennessee Baptist.

A. B. HENDREN, Arch."

Dr. Howell remarked, that he was not before the Church for trial, and he hoped the Moderator would permit nothing defamatory of his character to be read. He denounced the statement of Mr. Hendren as untrue.

Mr. Fuller rose to a point of order.

Elder Graves. "Bro. Howell asked for the proof, and I gave it."

Mr. Fuller stated his point of order to be, that the parties had wandered from the matter before the Church.

The Moderator stated that the parties must confine themselves to the question under consideration.

Elder Graves appealed to all present to bear witness that he was not here to oppose a fair trial, instituted and conducted according to scriptural usage. He was ready and willing to submit an investigation of his course to such a tribunal.

He referred to one of the charges brought against him, being the leaving of "D.D." off Dr. Howell's name in the Baptist Register.

Mr. Fuller, (interrupting.) "I wish to ask Mr. Graves if he did not have a copy of the charges when he wrote the article in which he states, that 'one of the most stupendous charges was the leaving "D.D." off Dr. Howell's name in the Register?'"

Mr. Graves. "I understood that to be one of the charges."

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DEFENCE.

I protest against the term put in my mouth here. I said specifications, not charges.

## PROSECUTION.

Mr. Fuller. It is very difficult for the gentleman to answer a plain question categorically. I now ask him again, if he did not have in his possession a copy of the charges, when he wrote *that* article? Let him answer yes or no.

Mr. Graves. "I did."

## DEFENCE.

The object in making me say charges, is here seen to make me convict myself! Let those convict me who can admire the spirit and superciliousness of Mr. Fuller.

## PROSECUTION.

Dr. Howell said that the opinion of Dr. Crawford, in regard to the difficulty between Elder Graves and himself, was predicated upon what he had seen in the Tennessee Baptist, which is an entire misrepresentation of the facts, and, therefore, that opinion was erroneous; and this remark would apply to all the brethren whose letters Elder Graves had read. Their opinions were formed upon *ex parte* information, and, as a consequence, they must be erroneous. He imputed nothing wrong to these brethren. They had been imposed upon, and, therefore, did him injustice.

In regard to a settlement of this difficulty, Dr. Howell stated, that up to June or July last a withdrawal of the charges and misrepresentations made against him in the Tennessee Baptist, would have been satisfactory, as far as he was himself personally concerned. He desired, most sincerely, to terminate the difficulty, but Elder Graves would not withdraw the charges made against him, and the consequence was that negotiations instituted to bring about an adjustment failed.

He perceived that Elder Graves was under an erroneous impression in regard to the fourth charge. It was *his* conduct, and not that of the brethren mentioned in that charge, that this Church was to investigate. He was charged with abuse and misrepresentation of them, and it was the duty of the Church to try him upon that charge.

## DEFENCE.

Here was the first clear proof, beyond the face of the proposition, that Elder Howell designed to entrap me by an oily diplomacy—that had I accepted his proposition, I was to have been expelled the Church upon my own forced confession of guilt!

## PROSECUTION.

Elder Graves (interrupting) asked Dr. Howell if he did not clearly state in his note, and through the committee he appointed in that note, that if he (Graves) would retract what he had said about him, (Howell,) that the matter would stop there?

Dr. Howell replied, that the committee could answer.

Elder Graves called on Mr. Scovel to state his recollection.

Mr. Scovel replied, that he so understood the matter.

Elder Graves called upon the Moderator to say if he did not make this impression upon his (Graves') mind.

The Moderator replied that the correspondence will speak for itself.

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DEFENCE.

I remark again, that the law is rigid, and will not accommodate Elder H.'s position. Because the parties belong to different Churches alters not the case one jot. If they are offended, before they can get their complaints before any Church, they must comply with the law as laid down in Matthew xviii.

If Elder H. claims that the mere fact that the parties belong to different Churches nullifies this law, he nullifies the law altogether. It is a fearful thing to take such liberty with the laws of Christ. But according to the laws of all civilized countries, I had a right to face my accusers, but Elder Howell denied me even this right.

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PROSECUTION.

Dr. Howell (resuming) said he did not remember to have had any conversation with Mr. Hendren in regard to Elder Graves, and he pronounced his statement untrue, and demanded the proof to sustain it.

Mr. McIntosh inquired whether Elder Graves asked for further time to prepare for this trial? If he wants more time, he was willing, and had no doubt the Church was willing, to grant it to him.

Elder Graves referred to his protest.

The Moderator then stated the question before the Church to be: Shall this whole matter be thrown out because the scriptural usage in such cases has not been observed?

Elder Graves demanded the ayes and noes.

Upon a call of the roll, the vote stood, ayes 41, noes 98.

So the Church refused to quash the proceedings.

Elder Graves remarked that he understood the Church, by the vote just taken, to refuse to accept his protest. He would, however, ask that it be spread upon the records of the Church.

The Moderator informed Elder Graves that the Church had employed a reporter to make a full and impartial report of the proceedings of the trial, and his protest would appear as a part of that report, and thus go upon the record.

Elder Graves repeated his objection to the course the Church had determined to pursue in regard to this trial, and announced his withdrawal from the Church. He could fellowship with this Church no longer.

The Moderator reminded Elder Graves that he had repeatedly expressed the opinion that the Baptist Church was the only Democratic Church on earth, and by the polity of this Church no member can get out of it except by death or exclusion.

Elder Graves admitted that he still entertained that opinion of the Baptist Church, but when the majority of the members of a Church trample upon the law of Christ, they become a faction, and are no longer a Church.

Dr. Howell moved to adjourn to Wednesday evening, 7 1-2 o'clock.

Dr. Dayton asked leave to read a short paper—a very short paper.

Mr. Rutland appealed to the Church to hear the paper read.

Dr. Howell refused to withdraw his motion to adjourn, as it was now midnight.

The motion being put, was carried, and the proceedings were closed with prayer by the Moderator.

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DEFENCE.

REMARK 1.—I meant by this language, that when a Church goes contrary to the law of Christ, it is no longer clothed with Church authority—its acts are null and void, and no member ought to submit to them.

REMARK 2.—It will be seen that there was a determination on the part of the majority not to suffer the earnest remonstrance of that large and respectable minority to be heard; they would not so much as allow them to read a remonstrance, or listen to any overture that the minority asked to read. So that the minority were compelled to take the step they did, in order to maintain the rights and the authority of Christ. It declared that the majority had departed from Christ, and they, the minority, were determined to abide by his laws.\*

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PROSECUTION CONTINUED.

WEDNESDAY EVENING, Oct. 13.

Met pursuant to adjournment.

The proceedings were opened by reading a portion of Scripture by the Moderator, and prayer by the Rev. Mr. Woolfolk.

The reading of the minutes of the previous meeting was dispensed with.

On motion, the first count in the charge of grossly immoral and unchristian conduct preferred against Elder J. R. Graves, was taken up and read as follows:

“We, the undersigned, members of the First Baptist Church, Nashville, Tennessee, charge Rev. J. R. Graves, a member of said Church, and one of the editors of the Tennessee Baptist, with grossly immoral and unchristian conduct, in that he has sought to bring upon R. B. C. Howell, the pastor of said Church, reproach and injury, and thus to destroy his character and influence in the South-west, by forcing him into collision with Rev. A. C. Dayton, late Corresponding Secretary of the Bible Board, and now one of his associate editors, through the publication, in his said paper, of various false and malicious representations.”

Mr. Fuller stated that the evidence to sustain this count was to be found in various numbers of the Tennessee Baptist, which he read as follows:

Tennessee Baptist, No. 23, February 13, 1858:

“There is manifestly a systematic attempt to cripple down the Secretary of the Bible Board, on the part of anti-landmark *men*, and editors. We allude to what has appeared in the journal from his associate editors, and the course of a portion of the Baptist press, and the anti-landmark portion of the Board, and recently heralded to the world by ‘a member of the Board,’ and not the least indicative

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\* You will find some eight columns of printed matter interpolated into the published “trial” at this point, taken from a paper printed in this city, which it is quite unnecessary for me to notice here. It is an evidence that Elder H. and his party were dissatisfied with his attempt to meet my protest and arguments before the Church, on the 12th of October.

sign, the allusion to Bro. Dayton, as Corresponding Secretary, in Elder Howell's letter to the Index, in which he virtually, to all intents and purposes, attaints Bro. Dayton for malfeasance in office by an insinuation. We allude to this sentence: "But we are told by the newspapers that *this very brother* is himself rapidly preparing Sabbath-school books, and that several will be ready and actually presented to "The Union," in April next, at Americus, in your State. Very well; let him prepare them, *if the Bible Board will allow their Corresponding Secretary to devote nearly ALL HIS time to writing books, and instead of presenting them to "The Union," let him send them to the Southern Baptist Publication Society.* If they are such books as the Baptists approve, that Society will publish them, and for as small a price, and in as good style, as the work can be done elsewhere in the South or South-west."

"Does Bro. Howell mean to say that the Corresponding Secretary has neglected, or may probably neglect his official duties, to write books? If not, why say, if the Board will allow him to devote *nearly all his time* to writing books? In any light the impression left is very bad, and casts suspicion upon the Secretary, reflecting too nearly a sentiment once before published in this city, that no man should approve. All these things are calculated to make the position of the Corresponding Secretary uncomfortable, destroy his peace, and paralyze his usefulness. We have no doubt but that an anti-landmark Secretary would be preferred by that part of the Board that adopted the late report of a committee. Bro. Dayton can easily be driven from the Board, and will certainly be by this treatment, but will the Board supply his place with a better man? He (Mr. Dayton) has done too much good to be let alone. He is enjoying too much of the love and attracting too much of the attention of Baptists not to be compelled to suffer the penalty that superiority or great usefulness is ever doomed to pay."

Tennessee Baptist, No. 24, Feb. 20, 1858. "That part of Bro. Howell's letter that most deeply pains us, is the sentence that casts that most unkind and cruel suspicion upon Bro. Dayton. Unless it does by implication charge him with having spent most of his time, or that he is now spending, or that the probabilities are that he is about to spend most of his time writing books, we cannot gather Bro. Howell's intent in penning it. He must have known that it would deeply wound Bro. Dayton's feelings, mar his peace, and make him uncomfortable. He must have known that the sentence was admirably calculated to excite suspicion in the minds of all over whom he had any influence. He (Howell) doubtless knew that such a paragraph as this had been penned and published by a member of the Bible Board. Surely Bro. H. nor any other man can think it strange that Brother D. should feel sensitive to see such an insinuation reproduced by the President of the Bible Board."

Tennessee Baptist, No. 45, July 17, 1858:

"Our readers will find in this column this week a fine specimen of the sentiments of not the Baptist '*rank and file* only,' but of a number of the leading minds of the denomination from Maryland to Florida, and Virginia to the furthest Texas."

"Among these 'leading minds' see the following from an article signed '*Alabama*': 'Where is Tustin's influence in South Carolina? Where are Hillsman's and his friend H. in Tennessee? Where is Henderson's in Alabama? Not one of them has a tittle of the influence in the heart of their territory *that they had before they began this war* on Brother Graves and his paper. They have made a pit, and digged it, and have fallen into the ditch which they have made. Their mischief has returned upon their own heads, and their violent dealing has come down upon their own pate.'"

The testimony to sustain this count in the charges against Elder Graves having been read,

The Moderator stated that Elder Graves would now be afforded an opportunity to offer any counter testimony he desired.

No testimony being offered by the defendant, the Moderator said the prosecution would now be heard.

## DEFENCE.

Notice four facts especially :

1. That it was the, shall I say adroit, or cunning, or jesuitical policy of my prosecutors, to keep me profoundly ignorant of the specifications I had to meet, until they were produced in court, and that too only a moment before being called upon to defend! If there is a brother or man willing to be outraged in this way, when put on trial for what is more precious to him than life, let him approve of the above, that the laws of God and man frown upon.

2. Will any one read the specifications above, as given by Mr. Fuller, and say if he or Elder Howell had ever before given them to me, or even a clue to them?

3. Can you find the specification referred to as in the Southern Baptist Register in this list!! This is indeed worthy of your notice. It is conclusive proof that for some cause that specification had been abandoned!

4. Finally, and remarkable, when the Moderator called upon the prosecution to proceed, Elder Howell, and not Mr. Darden, proceeds! Who then was my real prosecutor, Elder Howell, or Mr. Darden, or Fuller? The pretext is too transparent.

## PROSECUTION.

Dr. Howell said :

BROTHER MODERATOR AND BRETHREN:—It has become my duty, on various accounts, to address you on this first count in the trial of Rev. J. R. Graves, now pending before you. I do so, not because it concerns me more than it does many of other brethren here and elsewhere, but because I am probably more familiar with the details than any other member of the Church, and at the request of the brethren who are the prosecutors, in this and the three following counts.

I should do injustice to my feelings did I not here declare, that the necessity which has forced brethren to bring this charge before you, with its several counts and their specifications and proofs, against a professed brother, a member of this beloved Church, pains me most deeply. But, however painful to us, it has become indispensably necessary in order to protect the Church, to protect your pastor, and to protect other brethren, at home and abroad, from his assaults now so long continued, and which give no indications that they will soon cease. Would that this last resort could have been avoided. No alternative, however, was left you. Every scriptural measure was resorted to in vain. You, indeed, went even further than the Scriptures demanded.

## DEFENCE.

Here is frank admission from Elder Howell himself, that the "Scriptures had been violated in my arraignment, that *they had gone further than the Scriptures demanded.*" To add to the laws of Christ, is no less violative of them than to take from them. Infant baptism and popery can be sustained by such a plea. A process that goes beyond the law is *extrajudicial*, and of course is *null and void*.

## PROSECUTION.

Every practical compromise was proposed to him. In his private notes and in his paper, he would, as I am now compelled to think, for effect merely, "entreat to be made sensible of his wrong-doing," protesting that he "was ready to do whatever truth and religion required." But when brought to the point, he invariably and persistently refused to retract or disavow any of false and injurious charges against brethren, to apologize, or to do any thing else, but continue to assault and defame them. The more solicitous our *private* efforts to restrain him, the more reckless grew from week to week his attacks. All this you know, as well as I do, to be strictly true.

## DEFENCE.

1. It will not escape you that my motives are here judged, when he asserts that my professions were merely for effect.

2. It cannot be shown that I ever refused to retract or to disavow any false or injurious charges against brethren. I refer both the Church and the Council to the Committee, Brethren Scovel and Creighton, who knew all that passed. Elder Howell never labored with me privately. Ask that Committee if I or they ever were able to draw from Elder Howell what his charges were, or the offences he complained of. Ask them if they ever heard the charges until they heard them read out in church. Ask them if I did not desire greatly to learn what it was whereof Elder Howell complained, and for which a Church trial was threatened. The impression sought to be made that I was labored with privately by my prosecutors to reform my alleged wrong-doing, or to repair alleged wrongs done Elder Howell or others, is utterly without foundation in truth.

## PROSECUTION.

You could do no more. Long forbearance would have been a sin against God and your brethren. The cause was bleeding at every pore. Every principle of the gospel of Christ demanded that your indulgence should terminate—that he should be arraigned before you without further delay; you yielded to the dire necessity which he forced upon you.

With other brethren in this Church and out of it, I myself, it seems, have come in for a large share of his abuse and defamation. Why, may I ask, Brother Moderator, should Mr. Graves evince so much bitterness toward me particularly? Indulge a few statements in this connection; and if I detain you somewhat before we enter more directly upon the count in the indictment to be considered to-night, I shall, I am sure, be pardoned.

I have now been a member of the Baptist Church about thirty-seven years. During all that time I have sought earnestly, and hitherto with almost perfect success, to "live in peace with all men." With Mr. Graves particularly, I had determined to have no conflict. This was my firm purpose. For this conciliatory course I had various reasons, to some of which I may not improperly refer.

## DEFENCE.

I only ask for this declaration of Elder Howell's to be compared with his purpose avowed to Elder E. P. Walton, before he left Richmond;

with his determined purpose to ruin me avowed to others, with the course he adopted and pursued to degrade and injure me from the day he reached this city. It is painful to be compelled to make such an *exposé*, and no one but Elder Howell could have forced me to do it.

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#### PROSECUTION.

In him I had taken a special interest, and *toward me*, I must think, had he been a man of ordinary temper of mind, he would, under his circumstances, have thought and acted very differently. When he first came to this city, a stranger and friendless, I received him, as he must himself even now confess, with all kindness. He possessed, as I thought, talents, which, with earnest piety, humility, industry, and ordinary prudence, might render him an eminently useful laborer in the cause of Christ. We were in this State at that time, as, indeed, we are even now, exceedingly destitute of ministers. I was, perhaps too strongly, desirous of increasing their numbers, and, therefore, too ready to extend my confidence to any one who claimed to preach the gospel of Christ. Knowing nothing of his antecedents, except that I found his name as an instructor in the catalogue of a school in Kingsville, Ohio, I introduced him, as I must now admit, prematurely and imprudently, to our people in this city and throughout the country. I aided to the extent of my ability in procuring for him here patronage as a teacher. As a means of enlarging the sphere of his influence and usefulness, I sought for him, and successfully, the pastorship, then vacant, of the Second Church in this city. And when in that office he so signally failed, as some of you know, and thought it necessary to remove his membership, no one lamented all this more than I did. You sympathized with him, and kindly, but unfortunately, received him back into this Church.

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#### DEFENCE.

More that is calculated to mislead, and to excite the prejudices of the people against me without reason, I never saw crowded into one paragraph.

1. I came to this city, and established myself in business in Elde. Howell's absence. I opened an academy in this city without his leave, license, or assistance.

2. I called upon Elder Howell, and, by letters of commendation and ministerial credentials, informed him who I was, and my antecedents. He was duly informed, and had the proof that I had been but a few months previous ordained by the Mt. Freedom Church, Kentucky, and that Elder R. T. Dillard, D. D., and T. J. Fisher, brethren well known to him, besides others, assisted at my ordination. No stranger ever came to this State more highly recommended.

3. It is aggravating unkindness, long since forgiven, for Elder Howell to claim that he assisted me as a teacher in this city. He was the editor of a paper taken by all his members. Search the columns of that paper and find one line of commendation from his pen of me as a teacher, or of my school; and that, too, when I was giving him his boy Morton's tuition gratuitously! Was the like ever known, and a profession of friendship at the same time expressed? Call you this helping a strange and friendless brother? It is, alas! too often the way the strange

and friendless are often helped by their professed friends! You may judge of the extent of his ability and influence in procuring me patronage, when but one paying Baptist family patronized my school, except the two families I boarded with, first and last, in that I can recollect.

4. It is not known to me that *he ever sought for me* the pastorship of the Second Baptist Church, or was in any way party to my acquaintance with that Church, or call from it. I learned through Brother C. C. Trabue, with whom I boarded, that there was a little handful of poor, neglected Baptists on College Hill, and solitary and alone I sought them out on the night of their weekly prayer-meetings, and a call to preach for them was induced on their acquaintance with me.

5. Elder Howell here asserts that my pastorship signally failed, and for some reason, does not say what, but intimates it was lamentable. I found it necessary to remove my membership to the First Church, etc. I will only say this is *cruel*, and leave it for you to decide if the assertion is *true*.

I became pastor in November, 1845. On the 4th of January following, Elder Howell assisted in the ordination of some deacons, and took the following notice of the Church in his next issue: [See Baptist, vol. ii. p. 306.]

“The Church on that day more than doubled its strength.”

Whether the more than doubling of the strength of a Church in two months may be accounted a successful pastorship, I leave you to judge.

At the close of one year, having accepted the editorship of the Baptist, I resigned the care of the Church, knowing that it would be impossible to give it only fragments of time, and no *pastoral* services.

Elder Howell noticed these two events in his paper of November 21, 1846, as follows: [See Bap., vol. iii. p. 193.]

We have the pleasure of announcing to our readers that the Committee on Publication have at length succeeded in procuring the services of an assistant editor for this paper, whom we here introduce in the person of our beloved brother J. R. Graves, the indefatigable and *successful pastor* of the Second Church in this city. Brother Graves is already favorably known to many of you as an eloquent speaker and a handsome writer.

NASHVILLE SECOND CHURCH.—Brother J. R. Graves accepted the pastorship of the Second Church but for a year, which expired on Sabbath last, on which day he preached a closing sermon. The members met and addressed to him the following communication, which we are requested to publish:

“NASHVILLE, Nov. 15th, 1846.

“DEAR BROTHER:—The termination of your pastorship of the Second Baptist Church has brought with it to us feelings of the most profound regret; and did we not entertain the pleasing hope that on your return from the journey you are about to undertake, to promote the objects and ends of the Publication Society of Tennessee, you would again resume the pastoral charge of the Church, the language we have used would be weak to express our sorrow and disappointment. We feel it a great pleasure to us to offer you, at a time like this, some expression of our high regard for you, and of our lasting gratitude for the able services you have rendered us in building up the Church here. One year since, when you entered upon your pastoral duties, our Church was in a very low and despairing

condition, numbering twenty-five members, (eight males and seventeen females,) with hardly life enough to exist. But through your instrumentality, and the great kindness and blessing of God, we number seventy-six (thirty-four or thirty-five males) active and zealous members. You have gained for yourself, in so short a time, the love of the whole Church and a large congregation, and the personal esteem and friendship of all that have had the pleasure of your acquaintance. We regret this separation, which we trust will be short, and we unite in invoking the preserving care of Heaven to be extended to you throughout your long and perilous journey, and that you may be speedily returned to the bosom of your family and Church in safety and health.

“WM. C. STITES, Moderator.

“Done by order of the Church :

“J. B. CONNELLY, Ch. Clerk.”

We have the pleasure of saying that Brother Graves was unanimously reelected, accepted, and will reënter upon the duties of pastor immediately upon his return from the Eastern cities, whither he is about to make a rapid excursion on business. —*Tennessee Baptist.*

I submit this palpable contradiction without a word of comment. It is of the character of most of Elder Howell's statements with reference to myself.

I preached to this Church as much as my engagements would allow, until December, 1848. Upon my resignation, I preached a sermon, in which I reviewed its progress. I quote a few paragraphs :

The year just closed completes the third year of my connection with this Church as pastor. It has been a year rich in the manifest marks of Divine favor.

A glorious revival of religion—forty received into the Church—only five have dishonored their professions.

Statistics of the Church—forty received, five dismissed, five excluded. Our present number one hundred and thirty-seven. Whole number received by me in the three years, one hundred and twenty-three, [mostly by baptism.] Whole number excluded, five; dismissed, five.

[I notice that between two hundred and three hundred had professed conversion under my preaching in other places.]

Your present condition is peculiarly auspicious. You have a large and, when completed, a comfortable house, and in settled weather a congregation to fill it. The state of religion is better than with any Church in the city, etc.

I may have given too much attention to this charge. But, brethren, it is hard—it hurts the heart to be thus robbed of the crown of years of unrewarded pastoral labor.

#### PROSECUTION.

Pardon, if you please, another series of facts in relation to Mr. Graves. With other brethren of this city, I labored, as some of you here present can bear me witness, for thirteen years most assiduously, to originate and establish a Baptist newspaper, for this State and the South-west. This paper I myself edited during all that period, and for the whole of this thirteen years' work I received not one cent of pecuniary compensation. I thought myself amply paid in the good which the paper accomplished for the cause of Christ. I also toiled with others faithfully

to originate a Baptist bookstore here, from which our people could obtain such books as might be useful in the defence, explanation, and diffusion of true Baptist principles. Our success was, under the circumstances, remarkable. Very many of the best works of approved authors were distributed through the city and country. When these enterprises had both been at length achieved and placed upon a sure footing, having in my mind the example of Dr. Mercer, of Georgia, I made a donation of the paper, which was my individual property, to the General Association of Tennessee, and coöperated with that body in placing both the paper and the bookstore in the hands of Mr. Graves and of his then partner in business. The paper when it left my hands was free from debt. It owed no man one dollar. Nor did Mr. Graves, nor did his firm, nor did any one else for him or them, pay for it a single dollar. These facts may seem strange to brethren who have seen the statement so frequently of late repeated in the Tennessee Baptist, that it was, at that very time, five or six thousand dollars in debt! At one time it is declared that the paper was in debt, when it left my hands, five thousand dollars; at another, six thousand; and at another, enough to "sink four such papers." All this is asserted in its columns, when Mr. Graves must have known that it owed no man a cent. Should Mr. Graves deny the truth of the statement, I shall bring such proofs of its truth as no man in this city will ever dispute. *We made the paper, without debt, a gift, and we gave our books at prime cost to Messrs. Graves and Shankland, in the hope that under their management, the former as editor and the latter as a business man, the cause of Christ would be materially strengthened and advanced. In this hope, alas, how melancholy has been our disappointment! Little did we then think that this paper and bookstore were to be perverted to mere private ends, and to be employed to distract, divide, and destroy the Churches and people of Christ!*

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 DEFENCE.

The history and results of Elder Howell's editorial career are before you in the volume here presented.

It appears that Elder Howell edited a paper called "The Baptist," in 1835. The first volume is before you. Who owned that paper it does not appear. In 1837 Matthew Lyon became editor and proprietor. In August, 1837, J. C. Carpenter became proprietor with Mr. Lyon. In January following, Elder Howell's name simply appears as editor, and it seems to have progressed downward, judging from the size!

It appears, from the Report of the Committee on Publications, that the Convention, or some board, and not Elder Howell, owned this paper. I will read a few sentences. [See *Bap.*, vol. iv. pp. 333-4.]

Why do they say that Elder Howell is entitled to our thanks for his gratuitous management of the Baptist, etc.?

From what I gather from the first number of volume v., the paper was very near its end, the receipts scarcely paying the printer, and the question is asked: Shall the paper cease with the *present* or *next* number? Not finding another number with our volume, I suppose it expired the natural way.

The next volume of "the Baptist," I have met with, June 29th, 1844.

This paper, a *new series*, never did belong in part or whole to Elder Howell. This I have already proved to your satisfaction.

Some time prior to the starting of this paper, or *new series* of a paper,

bearing the same name, Elder Howell must have made a donation of his paper to the General Association of Tennessee—if *he* ever had any. Whether *his* paper was in debt or not, I cannot say.

The General Association transferred *its* paper to us in October, 1846, and that new paper was in debt, as every member of the Publication Society and of the Committee on Publication well knows, and as I have shown. The paper was on the point of suspension, as I have shown, and Elder Howell resigned his editorship—left it to die for the second time. Whether Elder Howell left the Baptist on a sure footing, you must determine. Touching the bookstore which he established and placed upon a sure footing, I will say but a word. James Thomas was depository agent or librarian. The books were kept in a case, or the corner of a case, in his saddle shop. The remarkable success of this, Elder Howell's bookstore, may be learned from the following report, submitted to the Association, October, 1846—the year Mr. Thomas resigned: [See Bap., vol. iii. p. 187.]

It will be seen from the report of last year, that the means of the Society above its liabilities were then but \$61 51, and this included an outstanding debt of \$282 81, which would probably fall considerably short of being realized. The report of the treasurer for the year now just ended, which is herewith presented, shows that the assets of the Society are \$74 81, but we cannot hope that more than enough will be realized to free the Society from debt, when the present stock of books shall have been sold.

We are, therefore, without means to prosecute the objects of the Society on a scale commensurate with their importance and the wants of the people.

The only plan which presents itself to us as feasible for securing the services of a colporteur, is to combine with his duties as such an agency for The Baptist and other objects connected with the Education Society, and charging a part of his expenses to that Society. On the part of the Publication Society, the Board must assume a personal responsibility for its debts and increase the stock of books, if no capital for this purpose is furnished us.

With regard to the necessity of employing a colporteur, it is only necessary to refer to a report presented two years ago, showing that the colporteur, with a stock of books inadequate to the demand, made sales at the rate of about \$1900 per annum.

The whole amount of *receipts* at the Depository for the past year, as well for sales as collections, amount to but \$222 36.

This splendid affair came to an end, and the books sold to Graves and Shankland for \$157 40! and \$100 of indebtedness charged to the Baptist!

I would not have dwelt so long upon this subject did not Elder Howell's statements make a false impression throughout upon the minds of the denomination. He confounds, for some purpose, the present Tennessee Baptist with the paper he edited prior to the existence of this series, which may or may not have been his property; and he confounds, in the minds of many, the present Book Concern of Graves, Marks & Co., or that of Graves & Shankland, with the handful of books kept in James Thomas's saddle-shop; and by thus confusing the minds of his readers, he presumes to convict me and others of misrepresentation! The Baptists of Middle Tennessee know that both their paper and bookselling interest were considered failures when all those who con-

ducted them resigned at the Association that met at Enon, October, 1846.

Elder Howell may have been disappointed and chagrined at the present state of the paper, and of the Book Concern, now called the Southwestern Publishing House; he and his party may regard both as pernicious to the denomination, but you know that the General Association of Middle Tennessee and North Alabama does not think so.

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#### PROSECUTION.

And still another series of facts ought here to be recounted. Mr. Graves being at that time a comparative stranger, and it being seriously, and perhaps justly, apprehended that a consequent natural want of confidence in him, on the part of our people, which doubtless would have been felt toward any other man they did not know, might prove detrimental to the interest of the paper, *I introduced* him to its readers, and continued to speak of him in its columns in terms of high commendation. I also continued with him, as one of its editors, for months afterward, and still, as he well knows, without a cent of compensation. I soon began to fear that in these arrangements we had made a serious mistake. In the style and spirit of his editorials, I was greatly disappointed. I did all I could, but ineffectually, to soften, and direct them into the channel of Christian courtesy. I failed totally. Mr. Graves did not choose to defer to my opinion. When I could no longer endure their harshness *and belligerency*, I left, finally, the editorship of the paper, still hoping for the best, but without one word of valedictory to its readers, lest I might thereby injure its circulation. *In this way*, and it may be said without any self-laudation, I contributed in no small degree to give Mr. Graves popularity and influence in Tennessee and the South-west. To you, brother Moderator, and not a few others here present, who were then my coadjutors, all these facts are well known, and I appeal to you and the whole Church to say, whether you had not, and the Church and I had not a right therefore to expect from Mr. Graves a conduct toward us very different from that which he has thought proper to pursue. He ought to have felt some gratitude. He ought, at least, not to have pursued us with such relentless and persevering hostility. I regret the necessity of detailing these facts, and submit to it only because they are necessary to a just and proper decision of the case now before you.

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#### DEFENCE.

1. Elder Howell admits that *only a few months after my connection with the paper*, he opposed me in the editorial conduct of the paper, and withdrew his name. This was when the paper was receiving the approbation of the denomination. I have shown you that Elder Howell sought to disaffect the minds of leading brethren in this city toward me.

2. Elder Howell, unfortunately for himself, makes the impression that he broke with me as editor because I would not submit to his dictation. I accepted the paper with the express understanding that I should be the servant of no man, or committee: willing to be advised by all, but yet an independent editor. This complaint by Elder Howell, you remember, is virtually made by C. K. Winston.

When it was found that I could not be made a pliant tool of, and think the thoughts and do the pleasure of a few men in this city, they commenced to turn in their minds how to get rid of me. This unquestionably is the secret of this early disaffection.

You, brethren, cannot realize the condition of an editor in the condition I found myself in—with the alternative of being governed by others—a party—or incurring their lasting hostility, and daring to breast their mighty influence should I decide to think for myself. Some brethren who have been editors, under committees, and some who now are, understand me.

3. I will say here, while I am conscious that I owe little of gratitude to Elder Howell for especial favor, Dr. C. K. Winston I have loved as a brother, and in other years believed him my friend, and I here most cheerfully express my sense of gratitude to him for favors he granted to the infant firm of Graves & Shankland, by endorsements in discharge of a promise made to them when they undertook the paper and bookstore. I shall ever think on him kindly for the past, and believe that others have influenced him to pursue the rash course he has in the transactions of the past years.

4. The reason given by Elder Howell for withdrawing his name is a very singular one. No man ever connected with the Baptist press was ever more belligerent than Elder Howell, or more *vulgarly* so.

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#### PROSECUTION.

In April, 1850, I left Tennessee, and returned to Virginia, where I confidently expected to remain, and to terminate my earthly labors among the scenes of my childhood and the friends of my early days. This Church seemed very desirous that I should again return and resume your pastorship. The Church knows what at various times you did in this behalf. I declined a first call. I did so for several reasons. My family is very large and expensive, and cannot be transferred from one city to another, especially if distant from each other, without heavy cost and labor. I have ever been opposed to frequent pastoral removals. They are, in my judgment, serious evils, and to be avoided whenever it is possible. I was greatly prospered in my Church in Richmond. That Church was very large, and flourished abundantly. The Lord had there wonderfully succeeded my labors. It was my purpose not to return to Nashville, notwithstanding the advice of many brethren who thought I ought to do so. My designs were all providentially changed, and in the following manner: In May, 1857, I was a member of the Southern Baptist Convention, held early in that month, in Louisville, Kentucky, and I took that occasion to visit this Church on my way home. I did this, not only to satisfy a long-cherished affection, but also and especially to aid the Church, as far as I might be able to do so, in procuring the services of a suitable pastor. During my stay, which continued three or four days, I was appealed to in such a way that I became impressed with the conviction that it was the will of God that I should return, and that duty therefore demanded my compliance. I consequently accepted the pastorship, which was a few days afterward again offered, and returned to my old and loved field of labor, in which I had previously spent sixteen of the best years of my life.

We now approach the period in your history which originated the present state of things. Certain givings out in his paper indicated very plainly that my return to Nashville was distasteful to Mr. Graves. I believed, however, that I could over-

come his dislike. I made it a point, for many reasons, to exercise toward him all kindness, mingled with affectionate candor. I knew his belligerent propensities, and determined to give him no pretext for assailing me. I assured him that, though not a Landmarker in his sense, I cared nothing for Landmarkism, one way or the other, provided those who held the doctrine made no disturbance about it, and that he must know that on that subject every Church has a right to do as it pleases, without being called in question; that I wished well to his Publishing House, and would seek its interests, provided always that I must oppose several of his books, which I believed to be unscriptural, and I thought their circulation among our people an injury to truth and piety; that I disapproved the style, the spirit, and much of the matter of his paper; that these were my candid views, but that I should not attack *him*, and hoped that he would not attack *me*; that we could work together, and I trusted we should do so, since we were together in this city, members of the same Church, and the cause demanded our coöperation. All this in a late paper he confesses I said to him, and substantially avows he placed no confidence in either the truth or sincerity of my statements. I noticed at the time, that to all I said on these topics, he listened for the most part in silence, and with the appearance of the incredulity he has since expressed. Various other essays which I made to secure his kind feelings, were, I am sorry to say, equally unsuccessful. The price of his favor was evidently entire submission to his views and purposes.

The omens were unpropitious, but we nevertheless proceeded together as harmoniously as I expected, until the meeting of the Sabbath-School Convention in this city, in October of last year. In that meeting we divided in opinion on, so far as I know, a single topic only. With I know not how many brethren of this, and other Churches, I concurred in sentiment. We favored, at the time, the organization of a Southern Baptist Sunday-School Union, provided it could be done with the concurrence of the whole South; we thought that such an organization needed to have in charge the general direction of that important department of our interests; we believed that it would do good in devising measures and securing the means to send out and sustain Sunday-school agents and colporteurs; we maintained that we wanted more and better Sunday-school books than we now have; we opposed only the organization of a Board in this city, charged with the special duty of procuring the writing and publication of Sunday-school books. We did so for reasons which I shall present to your view more fully hereafter, but especially because we have already in the South, and sufficiently convenient to this city, an able and efficient Board, to whom the Churches throughout the country have intrusted this identical work, and an attempt now on our part to supersede that Board by the appointment of another, and that too, without consulting our brethren in other States, would be alike illiberal and unjust. I myself suggested to him, that it would not meet the approval of our brethren generally; and that if he insisted upon it, he would, since he is a publisher, be suspected of being influenced by interested motives, disavowing, meantime, the imputation of any such motives myself. I assured him that in my opinion, *his* honor demanded that he should take the same ground that we did in relation to the organization of that Board; that as his pastor, I would for his sake, if for no other reason, take the ground I then held; and that I hoped for the sake of the union and harmony of our people, in deference to the courtesy due our brethren elsewhere, and for his own sake, he would give up the appointment of that particular Board. In all this we were sincere, disinterested and kind. Our purpose was to conciliate all parties, and to secure the continued harmony of our brethren in every portion of our Southern Zion. It did not then occur to me that in using these arguments I should or could lay myself liable to be assailed, as I have been, with so much bitterness and violence, as seeking to injure his private business, or to do harm in any way to his Publishing House. I envy no man his prosperity. If Mr. Graves has made a handsome fortune already, and I am assured that he has, I should but the more rejoice in his wealth if gained honestly and honorably. On these and other similar topics, I, in my simplicity, supposed myself to be above suspicion. Nor, it now seems to me, could Mr. Graves himself have thought, or charged as he

afterward did, that in all this we were covertly seeking to overthrow his Publishing House, and to destroy his private business, if he had not believed that the organization in this city of that particular Publication Board was to contribute materially to the building up of his Publishing House, and the success of his private business. Of late, as you well know, he boldly affirms that our object was to deprive him and his family of their bread. How could this construction be placed upon our action? Does his bread and the bread of his family depend upon the overthrow of other interests? I hold that he does not deserve to succeed in business who acts upon the principle that to build up himself he must overthrow and destroy his neighbor.

We certainly, in all we did and said, intended no discourtesy, much less offence, to any one. Nor, for several months after that meeting, did it seem that we had harmed either Mr. Graves, his Publishing House, or Mr. Dayton. Our relations, abating some rude assaults upon Mr. Hillsman, in which he implicated my integrity, continued much as they were before, up to about February of the present year. Meantime nearly all the Baptist papers, in the whole South and Southwest, had expressed their opinions on these questions; and while they fully sustained the correctness of our conclusions, decidedly condemned those of Mr. Graves and his partisans, and, especially, as to his *Writing and Publishing Board* in this city. At this point it was that he commenced, with violence, his public attacks upon us, generally, and upon me particularly, which make up three of the five counts in the charge now before you; and all of which you are, as a Church, now called upon faithfully and impartially to try, and decide, according to the word of God. These transactions have all occurred among you. To you, and to you only, is Mr. Graves amenable for his conduct. You, according to the teachings of the Divine Word, are the judges and the only scriptural judges of the law and the facts.

Adhering to the course which, at the beginning, I had prescribed for myself, I persevered in refusing to have any newspaper controversy with Mr. Graves, or any one else, on these or any like issues, involving individual honor or integrity. I did not respond to a single one of all his numerous assaults, nor have I up to this hour given him any provocation, or answered him one word, either in his own or any other paper. Indeed, I cherished for months, and so did we all, the hope—alas, that it was so futile!—that he would himself see his errors: if he did not return to a better mind, and voluntarily do me and the other brethren involved with me justice, he would, at least, not press these attacks to a rupture of Church fellowship.

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#### DEFENCE.

1. I ask you to compare Elder Howell's statements and professions in the foregoing, with the facts and testimony I presented in my first plea, and others that will appear in their proper place. Elder Howell's own avowed purposes, as well as his conduct toward me from the first, disprove the sincerity of his professions.

2. I call your attention especially to two admissions in the two last paragraphs, fatal to his present position, that the charges brought were public offences, like those of incest, drunkenness, or murder—offending all Christians equally. He says that my public attacks upon ["us" generally] him and his party, in the Bible Board I suppose, and upon "me" particularly, make up three of the five counts in the charge before him. You will decide whether they were personal to those complaining, or whether you were and all other Christians were offended also. In the last paragraph Elder Howell says, that he cherished for months, and so

did they all, the hope that I would see my errors, and voluntarily do him (Elder Howell) and the other brethren involved with him, justice, or at least not press my attacks to a rupture of Church fellowship! The character of my offences is here clearly and unequivocally conceded by Elder Howell; they were personal to himself and sundry other brethren; though they were publicly given, affects not the least their personal or individual character. All can see that had I acted according to Elder Howell's hope, and voluntarily done him and the other brethren justice, Elder Howell claims here that that would have ended the whole matter of complaint, and there would have been *no rupture of Church fellowship*. This is the very proof conclusive that the offences were personal grievances. What more will there be needed on this point? Bear it especially in mind that no offence was committed by me against Elder Howell or others, after the date referred to by Elder Howell, different from those before complained of. Had I committed before that date even one public offence, it must have ruptured our Church fellowship; for a Church is bound to exclude at once and without trial for every *public* offence, *i. e.*, those crimes, like fornication, theft, that grieve all Christians equally.

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#### PROSECUTION.

As his pastor, I continued to visit, and, indeed, to give special attention to him and his family. With him personally, however, my interviews became gradually more and more restrained, and, at last, were always painful. They were *suddenly terminated* by his *publication in his paper, with misrepresentations, and perversions of two private, confidential, and unreserved conversations*, which had some months before occurred in his office, in this city. In the Tennessee Baptist, No. 23, dated February 13th, 1858, Mr. Graves says:

"A short time before the Convention, Brother Howell was in the city office, when we remarked we supposed he had drafted a constitution, etc., to be presented when the body met—the Sabbath-school Convention. He replied, that his time had been so engaged that he had not, and requested us to draft one. We said, 'Certainly, we have plenty of time, of course, *having so little to do!*' We added, that it devolved upon, and would be expected of him, owing to the position he had taken. He knew better than any one. I suggested that if he could not find time, he had better ask Brother Dayton to draft it, as he was one of the movers. Brother Howell then requested us to draft a suitable constitution, which we did."

And further, in Tennessee Baptist, No. 24, dated February 20th, 1858, Mr. Graves says:

"Brother Howell will doubtless remember, that some months since he was present in our office when an order came from that Society (Southern Baptist Publication Society) for certain of our books, provided we could send them within a certain time, at forty per cent. off from our catalogue prices. This led to some inquiry, why his books were not on sale with us, and more generally circulated in Tennessee. The reason assigned was, that we could not afford to give our books at forty per cent. off in exchange for his at twenty-five, or even at thirty-five per cent. We would delight to meet them on equal terms; but to demand so much more for their books than they are willing to give for ours, was, in effect, to forbid us to engage in their circulation. He suggested, that we send back an order, worded precisely as theirs was, only substituting the titles of his books for those ordered from us; and intimated, that he felt it was doing him an injury for their own advantage, thus to lock up his valuable works from a large and generous circulation. At least those present, who heard the conversation, understood him to intimate this. He did not, indeed, *charge* it in direct terms, nor say that he

supposed others would do so. But he remarked, with a peculiar cast of his head, and a very meaning smile, that, 'He was a native of North Carolina, and the people of that State prided themselves upon their sagacity, at least in one particular, and that is, that they have always known a gourd when they see the handle.'"

Now this statement of these two conversations is not *wholly* false, although a large portion of it is false. Conversations, and on these topics, were had. They were free, unguarded, confidential, and having *occurred soon after my return to this city*, were in the unreserved style in which commonly friend talks to friend. But Mr. Graves' version colors, perverts, adds to, and diminishes from them in such a way as that they make an impression which is *utterly false*. To publish at all, without the consent of the parties concerned, private and confidential conversations, is a violation of all the principles of honor; to publish such private and confidential conversations, with perversions and falsifications, is grossly immoral and unchristian; to publish them with the design to do injury to the person concerned, catching up his words carelessly dropped in free conversation, where no caution or reserve is thought necessary, and parading them with these falsifications and perversions in the newspapers, is conduct which I do not choose to characterize. In this manner had Mr. Graves demeaned himself toward me, again and again. The next day after the publication of the second of these articles, I met Mr. Rogers, a member of Mr. Graves's firm, and frankly told him that I could not again visit the office of the Tennessee Baptist, that I was afraid to do so, since what I had said there in free conversation, and on subjects no matter how delicate, had by its editor been caught up, and, in violation of all the principles of honor, and greatly to my prejudice, published in his paper. After this, how, Brother Moderator and brethren, could I have with Mr. Graves even social, but especially Christian and ministerial intercourse?

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#### DEFENCE.

1. Elder Howell called upon my family once only, then for *a few minutes*—a mere *call*. He, with Brother Ford, once, in passing, dropped into my writing office, and, by dint of persuasion, I constrained them to eat with me; which they did. This is a small matter, but grossly misrepresents affairs.

2. I affirm boldly, that I never had two private, confidential, and unreserved conversations with Elder Howell; and I never betrayed the confidential conversation of any man living, to my knowledge.

The first conversation Elder Howell mentions was neither private nor confidential. It was an open and loud talk in my business office, and heard by all in the room; and by my business partner, who was some little distance from us, and by the operatives around us.

If you doubt my statement, Mr. Marks is present, and will testify that he heard it, at his desk—some distance from us.

[Mr. Marks testifies to the truth of the conversation, and said it was in the public sale-room, and loud enough to be heard by him and all in the room.]

3. The second private and confidential conversation Elder Howell affirms he had with me, *I was not present at all, if within one hundred miles of the place*. I received a relation of the facts, from a gentleman who was in the bookstore, and heard it from Elder Howell, as did all who were present. It was a public talk, about a business transaction with a public society!

[This was also substantiated.]

I pronounce the statements about the confidential conversations utterly *false*, and Elder Howell must have known them to be so. He cannot palliate his conduct here.

Why did I use this statement of Elder Howell? He had declared publicly, that he had seen a gourd-handle about the Tennessee Baptist office, and I wish to show that he had seen one about the Southern Baptist Publication Society also, and possibly he might be afflicted with a gourd-handle *mania*, since North Carolinian sagacity is not wont to manifest itself in this way. The conclusion is, if there was no gourd in Charleston, possibly there might be none in the Southwestern Publishing House.

4. You may determine from the statement of the witnesses, whether my statements of these conversations were false *in any particular*. Elder Howell has great use for this most gross and glaringly untrue charge, that involves my moral principles. You will find that he bases all his future course toward me upon it, and makes it his reason why he refused to have a personal interview with me when I requested it. If his ground is false—if it is *not true* that I ever published two private and confidential conversations—then is Elder Howell left without the shadow of an excuse for his unscriptural conduct toward me, or to cover his gross misstatements.

5. Elder Howell may not choose to characterize the principles or conduct of a man who, under certain circumstances, would reveal private conversations, but you, brethren, and the moral and the good everywhere, will pronounce a verdict, that will be ratified at the Judgment, upon a man and upon men, be they whom they may be, who will, under the covering of private and confidential whispers, conversations, and private letters, stab the innocent victim of their envy or malice. All the good of earth will pronounce a verdict upon those men whose principles will permit them to be allies to the destruction of a brother, by withholding from him the evidences of the conspiracies and designs against his name or character.

You know that no man living has any more right to defame and slander a brother privately and secretly, than he has publicly; and you also know that secrecy aggravates a thousandfold the guilt of slander.

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#### PROSECUTION.

These attacks upon me, I, perhaps, felt the more keenly because of my relations to him in past time, as well as from being a member of the same Church, and also his pastor.

During five or six years past, Mr. Graves has been engaged in attacking, abusing, and defaming brethren of high character, throughout the country. Specifications of these facts constitute one of the counts in the indictment now before you. His assaults upon me were but an aggravated instance of his general conduct. Nor in this Church were these onslaughts confined to his pastor. They were equally furious against certain members of the Bible Board, who are also members of the Church, as Brethren J. D. Winston, Fuller, Jones, C. K. Winston, Darden, S. M. Scott, Nelson, Bang, and others. These facts, also, form one of the specifications of the charge against Mr. Graves. At the same time commenced, also, his efforts to divide this Church, so plain in their design and

pursued with so much perseverance—another of the counts in this indictment. I foresaw, therefore, with alarm, that Mr. Graves was inevitably precipitating a crisis which must end disastrously either to him or the Church. I was the object of his defamation. So also were many of you. The greater part of you felt yourselves outraged by Mr. Graves's conduct.

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DEFENCE.

Elder Howell again admits that my offences were against *individuals*—*brethren* of high character throughout the country—my assaults upon him, upon certain members of the Bible Board; and now by those very men I was to be tried, when they could only apparently justify themselves by convicting me! Is this in Christendom? Read. Elder Howell says: "The greater part of you felt yourselves outraged by Mr. Graves's conduct." I only ask, if those were the proper persons to try me—to judge me impartially? You know that to try a man before, and condemn him by a partial jury, by a jury violently prejudiced against the prisoner, is an outrage; and what then will you say, when the greater part of the jury are outraged against the prisoner, and their individual characters are staked upon his conviction? Every candid man will say that those outraged members and their families—their wives and children—should not have voted in my case; but had they not, I should have been acquitted!

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PROSECUTION.

But Mr. Graves, in the extraordinary course which he last night thought proper to pursue, declares that all this is a private and personal matter between him and his pastor; and since his pastor did not go to him and privately state his grievances, according to "Matt. 18," that the charge is illegally brought. On this false ground he denounces you as a faction, affects to withdraw from the Church, and to escape the exposure of his guilt, which his trial will certainly develop; he declares himself and his few partisans here, twenty-five, perhaps, the Church, and, refusing to be tried by you, calls upon them to try him! Mr. Graves cannot be ignorant of the fact that the issue is not a private personal one between himself and his pastor. The charge, the counts, the specifications, were all in his hands; he must have known the contrary to be true. As additional proof, I refer you to the facts, that in the paper which he read and called his protest, he, after taking this ground, abandons it by assuming other and opposite grounds. He claims that he is the injured party, and that too by his pastor. His pastor, he told you, had never extended to him the courtesies due to a brother minister; he had not called on him to preach, or to act prominently in other devotional meetings. Why the pastor thus conducted himself, you very well know. But if Mr. Graves was aggrieved, why did he not come to me as required by the law in "Matt. 18?" So in the other cases, one of which was my opposition to the appointment of his Publication Board, and the other was my letter to the Index, in which I disapproved two or three of the books published by his House. If these were private personal matters as he alleges, why did he not come to me privately as the law directs? Will he claim that he "*waived his right*" to do so, and attacked us in his paper, and thus devolved the duty on me? Brother Moderator, you and the Church well know that Mr. Graves durst not "*waive his right.*" The law is imperative: "If thy brother trespass against thee, go and tell him his fault between thee and him alone." Had Mr. Graves a "*right to waive*" obedience to the law of Christ? Surely not. And when he did

so, and attacked you, and me, and the rest of us, stirred up strife, sought to divide the Church, libelled and defamed us, and published numerous falsehoods, was it still a private personal matter between him and his pastor? Is it a private personal offence, to seek for six months, in public newspaper articles of the most inflammatory character, to put two ministers at variance—the first count in the charge. Is it a private personal matter between him and his pastor, when he uses all public and secret means for six months to divide the Church, and, if possible, overthrow and destroy it?—the second count in the charge—and now has, as some of you witnessed last night, actually divided the Church. Is it a private personal offence between him and his pastor, when he has publicly and week after week, in numerous instances, transgressed the law of Christ by libelling that pastor in his newspaper? the third count in the charge. Is it a private personal matter between him and his pastor, when he slanders, abuses, and defames brethren of high character throughout the country? the fourth count in the charge. Is it a private personal matter between him and his pastor, for him to utter and publish numerous known and deliberate falsehoods? the fifth count in the charge. All this Mr. Graves has the face to assume, and pretends that he has, by “waiving his right” to call upon me, relieved himself from all responsibility, and made it my duty to go to him privately; and because I did not, that all your proceedings in his case are illegal; that you—three hundred of you—have become “a faction,” and Mr. Graves and the twenty or thirty persons whom in the division he has effected he has carried off, (most of whom have been, or are now, directly or indirectly, connected with his newspaper or his Publishing House,) constitute the Church! And on what grounds do these partisans sustain Mr. Graves? The charge is grossly immoral and unchristian conduct. Do they sustain him in this? Certainly they do. Nor do they, nor does he, attempt to controvert this proposition. They do not deny his guilt. They only insist that the charge has not been brought in a scriptural manner! They break off from this Church to sustain J. R. Graves, and to sustain him in grossly immoral and unchristian conduct. Need I argue these questions before you? No, certainly. You all cannot but see that his positions are preposterous and absurd. His offences were open, public, notorious, and had become a scandal and reproach throughout the whole city, and, indeed, the whole country. How could any private interviews of mine with Mr. Graves have healed the wounds he had thus publicly and persistently inflicted upon you all, and upon the cause of our Lord and Saviour Jesus Christ, here and elsewhere?

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 DEFENCE.

REMARK 1. Why I did not go privately to Elder Howell you have all seen. He disavowed making a direct charge, disavowed any personal offence—professed friendship, while he privately planned my utter ruin. I was compelled to meet him upon the field he had chosen, and break the force of the weapons he furnished my enemies, and the enemies of the Sabbath-School Union cause, the best I might. He knows I did energetically protest against the course he was pursuing in bringing odium upon the Southwestern Publishing House. I told him I felt bound to reply and defend the house and its publications he had attacked. In this I discharged all my duty; I also told him that his attack upon Elder Dayton, my brother and friend, in that letter, had deeply grieved me—that I regarded it as uncalled-for and cruel. What more could I do? He gave me no satisfaction.

REMARK 2. Elder Howell here changes his ground, and claims that my offences are of a public character, like incest and public crime, and not against individuals. He asks, with energy, how private interviews

could heal them? Why, then, had he all along hoped to heal them so? WHY DOES HE AFTERWARD PROPOSE TO HEAL THEM BY A PRIVATE SETTLEMENT? These are fatal questions to his cause and the present order of his Church!

PROSECUTION.

But I return. Thus matters stood on the 3d day of April last. The series of meetings held in the spring, which continued about three months, and which the Lord so greatly blessed, had then been in progress some weeks. *Mr. Graves had not been seen at one of them.* It was announced on the previous night, that on Saturday night the pastor would not be present. On that very night Mr. Graves made his first and last appearance in our prayer-meetings during the revival. Mr. Scovel, and probably also Mr. Shankland, both partisans of Mr. Graves, went to him as soon as he came in, and insisted that *he* should lead the meeting. They, however, waited until Dr. C. K. Winston arrived, who had previously promised the pastor that he would take charge of the services. They then stated to him what they had done. Dr. Winston himself introduced and continued the exercises for some time, and then, as requested, in the kindness of his heart, called upon Mr. Graves, who had not the modesty to decline, but, to the utter disgust of nearly all present, took a very prominent part. Indeed, some who went forward for prayers that night, were so shocked that they never did so afterward, and have not professed religion to this day. The pastor felt this conduct most keenly, and when, at 11 o'clock at night, he heard of it, he immediately wrote Mr. Graves a note, expressing, under strictly private sanctions, his strong disapprobation of his conduct. The next morning, before I had an opportunity to send it, Rev. Dr. J. H. Eaton, of Murfreesboro, came into my study. I showed the note to him in confidence. Dr. Eaton objected to some things in it, and consented to write one with which nobody could find fault. He did so, and I adopted it, copied it, and this is the note which was sent to Mr. Graves. The note was as follows:

“STRICTLY PRIVATE.

“SATURDAY NIGHT, 11 o'clock, April 3d, '58.

“REV. J. R. GRAVES:

“SIR:—I have just been informed that you took the occasion of my absence to-night, to take a prominent part in the prayer-meeting. This you must have known was unpleasant and displeasing to most of the members present, on account of the course you have pursued toward me, their pastor. I hope you will not repeat it until you shall retract the charges [you have set forth] against me, as publicly as they have been made. I am pained to feel under the necessity of writing such a note as this, to one who is a member of the Church of which I am pastor; but duty compels me.

Yours,

“R. B. C. HOWELL.”

This note assumes, as will be seen, that Mr. Graves' conduct toward me had for months been such as to make it a public scandal, and to destroy all confidence in him; that his attempting, under such circumstances, to lead the religious exercises of the Church was, as he must have known, offensive to most of its members; and that until he had done the pastor justice, it was hoped that he would not again attempt in this way to make himself prominent. This expression of my feelings was, however, communicated to him under the sanctions of *strict privacy*. The fact that some of my deacons had invited him to participate in the meeting, was not known to me at the time of writing this note. I state this in deference to them, and not in the least diminishing the indelicacy and impropriety of a compliance on the part of Mr. Graves with their request. No one but Dr. Eaton knew any thing in relation to it, nor would he have known but for the desire to have counsel on the subject.

## DEFENCE.

1. One reason why I had not been seen at one of the prayer-meetings, was because I had been absent some of the time; and the second was, that Elder Howell's treatment of me was a subject of remark. I seldom attended, except Church-meetings.

2. The history of my conduct in that prayer-meeting will be given in due time.

3. I have heard of not one who was particularly "shocked" at my praying, except a child of Elder Howell! Several made profession of religion that night, I understood.

4. The participation of President Eaton in that note, was repeatedly explained by him to his brethren before his death; some of whom are present. President Eaton requested Professor Pendleton to set the matter in its true light before the denomination. I submit, in behalf of our departed brother, his explanation. He was deeply grieved to see the construction placed upon his act of kindness, and the use made of his name:

## TO THE PUBLIC.

Brother Eaton having heard that his agency in writing the note of April 3d, 1858, which note Dr. Howell sent to Brother Graves, is misunderstood in various sections of the country, wishes the following explanation published in the Tennessee Baptist:

"When I entered Dr. Howell's study, on the morning of April 4th, he read to me a note which he had written late on the previous night, with the intention of sending it to Elder Graves. I said to him, 'Brother Howell, I advise you not to send that note'—it was evidently written under the influence of excited feeling—'and if you send it, you will hereafter regret it.' He replied that 'the note, or its equivalent, must be sent; that the state of things was such as absolutely to require it; that his duty was imperative in the matter; that the interest of his Church demanded it.' I then intimated to him, that the same ideas could be expressed in a milder form, and urged him to modify and mollify the language he had used. At his request, I suggested orally a form of words which I thought would be less objectionable; he then handed me paper and pen, requesting me to write down what I had said, which I did; but, in doing so, I had no idea of sitting in judgment upon the merits of the case, or deciding what ought to be done. I expressed no opinion whatever in regard to the propriety or necessity of sending a note of such import. I had just arrived in the city; was wholly unacquainted with the state of feeling in the First Baptist Church, and very imperfectly informed in reference to the facts and circumstances on which Dr. Howell based his judgment; and my agency in the matter had reference solely to the matter of executing what he previously decided *must* be done. I was desirous that all unnecessary severity of expression should be avoided, and the least objectionable form of language used.

J. H. EATON."

REMARKS.—I wish it to be distinctly observed that Dr. Howell had written a very *severe* and a very objectionable note to Brother Graves. Brother Eaton, in the kindness of his heart, begged him not to send it. Dr. Howell had determined that something "*must* be done." Brother Graves must be stopped from taking part in the meetings of the Church. This was resolved on. Brother Eaton had nothing to do with the purpose of Dr. Howell. He did not sympathize with it. The ideas in the note are not his, but Dr. Howell's. His aim in changing the language was to prevent the doing of great mischief. His motive was unquestionably pure; and it is very unkind in Dr. Howell's friends to place Brother Eaton in

a false position before the public. Dr. Howell ought to think it a fortunate circumstance that Brother Eaton dissuaded him from sending the first note. I suppose he does; for he said to Brother Eaton the first time he saw him after the morning of April 4th, "I believe it was providential that you stopped me from sending the first note, for I saw Graves showing the one I sent him, and if the one I wrote had been made public it would have ruined me." This Dr. Howell said in substance, if not in words, as Brother Eaton told me months ago, and has told others since. I now (January 8th) make it public for the first time. Let it be remembered, Dr. Howell admits the note he wrote would have ruined him, had it been made public. And how foolish for him to expect it to be kept private!

J. M. PENDLETON.

5. Of the note itself I need say little. It was the climax of pastoral oppression. It was a personal offence. It discovered fully the insincerity of all his past professions. It convicted him of coöperating with a party in the Church to effect my disgrace as a minister—my ruin as a man. I knew he had meetings every night, that his time was occupied, but the law of Christ made it my duty to see him. I therefore wrote him a courteous letter, and closed it with a respectful and earnest request for a private interview. But my note was treated *contemptuously*—returned to me, *Elder Howell says, unopened!*

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#### PROSECUTION.

The conduct of Mr. Graves in regard to this note was characteristic. Instead of acting as a Christian gentleman would have done in such a case, considering its contents and treating them in a Christian manner; if offended, coming to his pastor and speaking on the subject with him privately; he, the very next morning, (Sunday,) and instantly upon its reception, showed this "*strictly private*" note at Church, and partly in my presence, to as many apparently as he could approach, before service, and stood upon the front steps showing it, as I am credibly informed by persons who saw him, to such as passed in, until the preliminary services were over, and the sermon was commenced. Since then I have heard of this note from every part of the country. He used and misrepresented it, effectually to inflame and agitate the brethren everywhere. Was he aggrieved by this note? *Why then did he not come to me with it as directed in Matthew 18?* That law must govern *others*, but it does not govern *him*. Lately this note has been published with false glosses in his paper.

On the day following I received a letter, which, from the handwriting on the outside of the envelope, I was assured was from Mr. Graves. I was greatly at a loss as to what I should do with this note. It was impossible that I could now with any propriety receive it, for the same reasons that I could have no conversations with Mr. Graves, except in the presence of witnesses. These reasons are as follows:

In the first place, Mr. Graves had in February last, two months previous to the date of this note, *published* (as before stated) *in his paper*—the former Feb. 13th, the latter Feb. 20—*two private and confidential* conversations, which had occurred in his office, one in August, and the other in October of last year; and what is still worse, he published them with such mutilations, perversions, additions, and falsifications, as that the impression they made upon his readers was wholly false.

In the second place, Mr. Graves had violated every principle of honor and religion, by the public use he had made, the very day before, of a note which was "*strictly private.*"

In the third place, Mr. Graves' conduct in his attempts to divide the Church, in his assaults upon its members and its pastor, and upon many brethren abroad, was such as that the Church felt that it could not much longer be endured. No such

letters or interviews could then heal the breach that he had made. That could be done, if at all, only by his voluntarily retracing his steps, and himself applying the true remedy.

In the fourth place, what security had I that any private notes or private conversations that might be permitted, would not again appear in his newspaper, with falsifications and perversions, as others had before, as soon as Mr. Graves found that it could be done to promote his own interest, or to effect my injury?

In this state of the case, what was I to do with this letter? I honestly concluded that it was best to send it back to Mr. Graves *unopened*. I did send it back unopened. Possibly I ought not to have returned it. Certainly if I had been prompted merely by policy or a desire to maintain my influence with many Baptists of the South-west, I should have read and retained his letter. But it seemed impossible for me to have any direct personal correspondence with him without a certainty of increasing our difficulties, and for the same reasons that I could have no private conversations with Mr. Graves without witnesses. Hence I had decided upon a correspondence through a committee as the only hope of a reconciliation. This note, it seems, contained, among other things, a solicitation of a private interview. I, however, then knew nothing of its contents, nor were they in any way, verbal or otherwise, revealed to me until three months afterward, in the correspondence which then occurred.

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DEFENCE.

1. That note was handed to me by a colored brother, the sexton, while I was standing on the steps in front of the Church in conversation with C. K. Winston. Seeing it was in the handwriting of Elder Howell, I plunged into its contents without noticing the private mark. Seeing the nature of its contents, I handed it to Dr. Winston, with the remark that he was the cause of this offence to Elder Howell, and could explain it to him. Deacons Shankland and Scovel, (the parties who were implicated with me,) seeing our surprise, came up, and I passed the note into their hands, and it was shown to the deacons and Clerk of the Church, who were in the vestibule, and *no more*, with the request that they would advise me what to do. One of them kept the note until the next day.

2. I shall attempt no defence of my disregard of the private mark upon the note. A man might as well write upon the knife with which he had assassinated me, "*strictly private*." He had been silently and secretly working my degradation in the eyes of the Church and community, and it was not my duty to bear it longer. He had assumed the prerogatives of papacy. A pastor has no more authority to interdict a member from praying in a social meeting of the brethren than to stop his breathing. The principle upon which he acted would at once put a stop to all prayer-meetings and all preaching. Where can you find a Church in which there is not a brother whom some one or more of the members don't like well to hear pray, or feel coldly toward? Indeed, can you find a member in any Church but some one or more are cold toward? Where is the pastor who has not those little friendly to him in the Church? You cannot divide the principle.

3. I did obey Christ, sought an interview, and was contemptuously repulsed. What more? I subsequently, through brethren, sought and demanded a private interview, and was refused—refused an interview even in the presence of brethren!

4. I have examined the pretences by which Elder Howell justifies his arrogant bearing toward me. You have seen they are unreal. *I never disclosed a private and confidential conversation*; and it is not true if one brother has done another a very great injury, that the magnitude of the offence releases from the law. The greater the offender, the more readily and promptly the offended and the *pastor* should seek the offender and the member.

5. We now ask you to examine that note once more before you make your verdict upon it. Do you see those words in the hooks? Do you not see they change the sense of the note materially? Without them could you decide what charges Elder Howell referred to? With them, are you not informed that they are those, *I have set forth*? Those words Elder Howell has interpolated since I gave this note and my answer to the public. Not one reader in a thousand, if one in ten thousand, knows the use of brackets, or wherein they differ from simple parentheses. Webster's Unabridged Dictionary does not inform them. Authors and literary men understand their use. The generality of Elder Howell's readers understand that those words were in the note sent to me, and that I left them out of the note when I published it! I will not judge Elder Howell's motives in interpolating his letter in this "trial." If he did intend by this bold act to place me in a false light, by deceiving his readers, I pray God to forgive him.

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#### PROSECUTION.

A short time after these events had transpired, I had, in the presence of Rev. R. Ford and Dr. C. K. Winston, a conversation with Mr. Graves' friend and adherent, Mr. A. B. Shankland, in which the matters in question were freely talked over, and my views clearly expressed. I told Mr. Shankland that it was not my province, according to Divine law, to make any proposition to Mr. Graves. Mr. Graves had done the Church, the brethren and the pastor, great injury, and that no fellowship could ever be extended to him until he had done them justice. Mr. Shankland was understood to say that he would look into the affair, and try to induce Mr. Graves to correct the wrongs he had committed. The matter was left in the hands of Mr. Shankland. What he did, or whether he did any thing more than receive some informal propositions from Dr. Winston and present them to Mr. Graves, I know not. Here, for the time, the matter rested. Three months passed, and nothing was heard from Mr. Graves. Great reluctance was felt to bring Mr. Graves before the Church, numerous and aggravated as were his offences, on account of his peculiar position and relation as a professed minister of Christ, as editor of the Tennessee Baptist, and especially on account of his heated partisans in the country, that such a measure was likely to produce. You were, therefore, slow to act, and were anxious to avoid it. It would have been easy for Mr. Graves, had he desired it, to have placed himself in a proper scriptural position in the Church.

And now I beg leave to call your attention to *still another* series of facts. If an arrangement between Mr. Graves and myself would not have obviated all further disciplinary action, why did I institute any proceedings on my own account? My answer is, that in my opinion, such a proceeding would not have *retarded* that result; it would doubtless have facilitated a peaceful close of these excitements. *All hope* had not then been abandoned that Mr. Graves might be brought to a better mind, and yet be induced to act the part of a Christian. At any rate, the measure was believed to be worthy of an experiment. But however this might turn out, I confess that I felt an unconquerable repugnance to

having my name connected with the proceedings of any Church trial of Mr. Graves, or any one else. I earnestly desired some movement that might prevent it, and sought to obtain my end by means which I will now state.

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DEFENCE.

I once more call your attention to the fatal admissions of Elder Howell, and the dilemma in which he found himself when prosecuting me before his party. (a) He admits impliedly that fellowship could have been extended me, *had I but done the Church, the brethren, and the pastor justice*. Then my offences were not public, like adultery or incest, but of a personal character, which did not require my expulsion, if I satisfied individual brethren, or a portion of the Church!

(b.) Even so late as July 24th my offences were considered and treated as personal ones, and all hope was not abandoned of bringing me to a better mind and to act the part of a Christian, i. e., to conciliate these brethren; but if my offences were public ones, i. e., against all Christians, as the crime of incest would be, Elder Howell, nor all his committees, nor all interviews or letters, could not release him or the Church from bringing me before the Church, not for a *trial*, but for *expulsion*.

(c.) He asks a question that he proves his inability to answer, i. e., If an arrangement between him and myself would not obviate disciplinary action, why did he institute proceedings on his own account? Aye, why? He confuses himself, and fails to answer. No one can answer. Here is his dilemma. If my offences were public ones, why did not the Church proceed according to Corinthians v., and expel me without the forms of trial, for the Scriptures do not grant any to such offenders? Why did Elder Howell institute proceedings on his own account? But if my offences were against him and other individuals, why did he violate the express letter of the law governing personal offences, in Matthew xviii.? He can never answer. He has trampled under foot the authority of Christ in either case.

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PROSECUTION.

I addressed Mr. Graves the following note:

NASHVILLE, July 19, 1858.

REV. J. R. GRAVES—SIR:—Conceiving it improper longer to permit your personal newspaper assaults upon me and other serious offences to pass unnoticed, and sincerely desirous to avoid the necessity of bringing them, for its action, before the Church, I make this essay to terminate the affair [as to myself] by private adjustment. I have to say that brethren C. K. Winston and C. A. Fuller will receive and act upon any communication which, through two brethren appointed by you for that purpose, you may think proper to make.

Respectfully, etc.,

R. B. C. HOWELL.

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DEFENCE.

I wish you to examine well this note. I call the attention of the Church to it. Is it the note I read and commented upon on the night of the 12th of October? Are there not additions to it which change the nature and purport of the whole note? I shall refer to it hereafter.

## PROSECUTION.

This note was delivered on the next day, the 20th of July, and a prompt answer promised by Mr. Graves. On the subsequent morning, July 21st, the following was received:

JULY 20, 1858.

CHARLES FULLER:—I have left my response to the note you handed me this morning, in the hands of Brothers Scovel and Creighton, who will confer with you and Brother Winston to-morrow. Respectfully,  
J. R. GRAVES.

Thus did Mr. Graves, by naming two brethren to act for him, recognize the official position of those brethren, and fully endorse the scriptural character of the proceedings up to the 20th of July last, which he so soon after repudiated, and now so earnestly denies.

## DEFENCE.

I never, for one moment, endorsed, by word or act of mine, the unscriptural and extrajudicial procedure Elder Howell seemed determined to institute. I understood that the brethren selected by us were to meet and agree upon a basis of settlement—one sustained by God's Word. I did not dictate to those who acted for me, but told them, "Be governed by the laws of Christ. Require me to obey those laws and directions, and you find me obedient. To other laws I shall not submit." These brethren did propose to Elder Howell's representatives that the parties, though ministers, should be held strictly to the laws of Christ, in Matthew xviii. They objected, and proposed a correspondence between Elder Howell and myself, to be conducted through them! and they even required that the committee could not consult personally, but by a written correspondence! This Brother Scovel and Creighton refused to do, because they regarded it as wholly unscriptural; and owing to this, the affair lingered as it did—Elder Howell demanded a written correspondence through the committee, and between the brethren themselves, and they positively refusing to agree to do so, or to allow me to take another step, had I felt inclined to do so.

## PROSECUTION.

Nothing, however, was heard from Messrs. Scovel and Creighton. After waiting several days, the following note was addressed to them:

NASHVILLE, July 24, 1858.

H. G. SCOVEL AND G. C. CREIGHTON—BRETHREN:—On Tuesday last I received a note from J. R. Graves, stating that he had placed in your hands his response to a note I delivered to him on the same day, from Rev. Dr. Howell, and that you would confer with Brother C. K. Winston and myself, on the next day. Not having heard from either of you, I wish to inquire when the above note alluded to, as from Rev. J. R. Graves, will be presented, and what time will suit you to meet with Dr. Winston and myself. An early reply to this note is solicited.

Respectfully,

CHAS. FULLER.

No written answer was returned to this note, but a meeting of the parties was procured, when the following was presented from Mr. Graves:

NASHVILLE, July 20, 1858.

ELDER R. B. C. HOWELL—DEAR BROTHER:—Yours of the 19th instant has just been received, and I reply promptly.

I regret most deeply the present unhappy alienation of feeling that exists

between us, and the causes that have produced it, and I assure you that I am ready to do all in my power to remove both.

You cannot doubt this, since, in my letter to you, dated April the 5th, (which was returned without answer,) I used this language:

“Brother Howell, your course toward me has aggrieved me, and I wish to meet you in private, to converse with you as one brother should with another. Will you grant me the meeting? If so, what afternoon or night in the week? or when?”

I again renew this request, confident that if we are what we profess to be, *Christians*, we can meet, and, without the assistance of others, in the spirit of our Master, settle all our differences.

If I have wronged you, I entreat to be convinced of my wrong-doing, pledging you that I will, so far as possible, repair the wrong; and may I not hope that you will seek to amend the injury that your course has tended to do me as a minister and a Christian brother?

You can indicate the time of this personal interview to me, in a note, or, if you prefer it, through Brethren Scovel and Creighton. Respectfully, etc.,

J. R. GRAVES.

P. S. I see by a copy of the correspondence that has passed between Brethren Shankland and Winston, that a misunderstanding exists as to the manner in which you propose to conduct our affairs toward a settlement. I cannot understand the peculiar mode sought by you, either from Dr. Winston's letter, or from your own.

I know of only one proper course for *Christians* to pursue, and that is clearly laid down in Matt. xviii. If you claim that I have injured you, either privately or publicly, you should seek not to *punish* me by ecclesiastical censure; but, in a brotherly spirit, to bring me to see and repent of my error, as Christ has commanded.

You certainly would not propose to me a different plan for my acceptance, etc.

J. R. G.

This paper seemed to me to be of an extraordinary character, for several reasons, which are as follows:

1. The correspondence between Dr. Winston and Mr. Shankland simply demanded that Mr. Graves should withdraw and disavow in his paper the false charges and injurious imputations against me which he had made in that sheet. This seemed to me “the proper course for Christians to pursue.”

2. Mr. Graves assumes that I knew what was contained in that letter which I sent back unopened, and argues accordingly. I knew nothing of its contents, nor was its substance reported to me verbally.

3. Mr. Graves had wholly disregarded the law of Christ as recorded “in Matt. xviii.,” and by his incessant assaults upon the Church, its members, and its pastor, continued for now six months, had lashed the whole country into intense excitement. The Church very well knew that, under the circumstances, the law for its government is laid down in the fifth chapter of first Corinthians. It was necessary that she should thus vindicate herself from the odium fixed upon her by Mr. Graves's disgraceful conduct.

4. Mr. Graves affects to be unconscious of having done me any injury, privately or publicly, and entreats to be convinced of his “wrong-doing.”

5. He insists upon meeting me in private, to converse with me, when he knew that he had before, on two several occasions, published in his newspaper, with falsifications and perversions, such private and confidential conversations, and had publicly exhibited a private note.

These, and other like considerations, induced me to place this letter in the hands of Messrs. Winston and Fuller, to whom, according to Mr. Graves's own arrangement, it should have been originally directed. They then addressed to Mr. Graves's friends the following note:

NASHVILLE, July 29, 1858.

H. G. SCOVEL AND G. C. CREIGHTON—BRETHREN:—In Brother Graves's note of the 20th instant, he quotes from a letter formally addressed to Brother Howell, to prove his (Graves's) willingness to adjust the difficulties between them, and, also, that Brother Howell knew that fact, which was stated in the letter referred to.

We remark that Brother Howell never opened this letter, but returned it just as it was received, only substituting (on the outside) Brother Graves's name for his own. He could not, therefore, know the fact to which Brother Graves refers.

It seems to appear from Brother Graves's note that he does not understand the plan upon which Brother Howell proposes to proceed in the adjustment of their difficulties, which plan was specifically stated by Dr. C. K. Winston, in his note of the 12th of July, to A. B. Shankland, as, also, in the note of the 19th instant, to Brother Graves. We are authorized to say that Brother Howell will do whatever is demanded by honor or religion; but that the plan may be definitely settled at once, he offers the following basis of settlement:

1. J. R. Graves is required to withdraw all the charges of an offensive and personal character which he has made against Brother Howell, which he (Howell) will specifically present, and in as few words as possible, in the same manner and as extensively as he has made them, without note or comment.

2. R. B. C. Howell shall, on his part, withdraw all the charges of an offensive and personal character which he has made against Brother Graves, which he (Graves) will specifically present, and in as few words as possible, in the same manner and as extensively as he has made them, without note or comment.

You will please convey this proposition to Brother Graves as soon as possible, and secure from him in writing, or by his endorsement of this note, his acceptance or rejection of it.

We assure you of our sincere desire to settle this difficulty, and trust that this feeling will be reciprocated by you. If Brother Graves rejects this proposition, we have none other to make, and here the matter, as far as we are concerned, shall end.

Yours truly,

C. K. WINSTON,  
C. A. FULLER.

This proposition was regarded as undoubtedly fair. The pastor required nothing of Mr. Graves toward him that he did not offer to accord to Mr. Graves. It was reciprocal and magnanimous. And still more I offered to do "*whatever is demanded by honor and religion.*" What more than this could I do? I was ready to do no less. Mr. Graves ought certainly to have accepted it. Did he accept it? The brethren acting for me placed in my hands the preceding correspondence, with the following final note:

NASHVILLE, August 16, 1858.

REV. R. B. C. HOWELL—DEAR SIR AND BROTHER:—To this letter (the last above) we have received no written reply, but at a subsequent meeting, Bro. Winston not present, we were informed no written reply was necessary, and understood, from the conversation that occurred, that the proposition made in our last note was rejected.

Here our labors rested. We have since received no communications, either verbal or written, from Rev. J. R. Graves, or the brethren named by him, and, therefore, conclude that there can be no further occasion for our services in the matter you submitted to our consideration. Yours truly,

CHAS. K. WINSTON.  
CHAS. A. FULLER.

Thus Mr. Graves refused to accede to any proposition whatever. Those made were undoubtedly scriptural and right, and demanded by truth, brotherly love, and religion. Madly bent upon his own desperate designs, he would hear nothing, nor consent to any measure, however reasonable or just.

These negotiations commenced, as will be seen, July 19, and, notwithstanding every effort to facilitate them, dragged on until the 16th of August, and at that point ended in utter failure. I made one more, and a last, effort to screen Mr. Graves from this Church trial.

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#### DEFENCE.

I call your attention particularly to the propositions of Elder Howell, sent through Messrs. Winston and Fuller, July 29. Elder Howell has

made the impression upon not a few minds, that, at this date, he made me the most equitable and honorable proposition that a Christian man could make, and I rejected it without deigning even an answer. Neither statement is true. So far from his making me a fair and honorable proposition, the very opposite is true. I have no wish to characterize it in the terms it deserves. I could not. Nothing in the whole affair astonished me so much as this proposition, and the revelations of Elder Howell's designs in presenting it. You shall judge for yourselves. When the note was read by me, I said to Brothers Scovel and Creighton: This has the appearance of being fair, but should I accede to it, I would place myself in the hands and at the mercy of Elder Howell, to ruin me or not, as he saw fit. I then showed the brethren the trap in the proposition. Elder Howell requires me to sign this proposition, and thus my sacred word and honor bind myself to withdraw every thing I have published in the Tennessee Baptist, which he (Howell) may claim as "offensive and personal," whether true or otherwise, and that, too, before I have been informed what those statements were he claimed as offensive to him! and without note or comment at that! Should I bind myself to this, said I to those brethren, Elder Howell, if seeking to injure me, (and I believed he was,) might require me to retract that which I considered or knew to be true, and that which will convict myself. He could force me to commit moral suicide. But if Elder Howell is really seeking an amicable adjustment of our affairs, return him his proposition, transposed, making his first last and his last first, with this amendment, that *before I ask him to withdraw what I deemed offensive and injurious to me, I would specify them.* If he acceded to this, I would most cheerfully withdraw all charges that could be justly considered personal to myself. I demanded assent to this transposition on his part, since, according to his own showing, and all the facts in the case, he was the first to make an assault, and from the fact that neither Elder Howell nor his committee could find a line written or published by me in the Tennessee Baptist, that was not written to defend myself, or my business, or my friends against his public speech, his Index letter, or his *private* letters, and in which I was most grossly defamed.

My proposition was clearly set forth in the following letter to the committee:

NASHVILLE, August 11, 1858.

BROS. SCOVEL AND CREIGHTON:—I learn that there is still an unwillingness on the part of Elder Howell's committee to comply with your last request, and that one of the brethren, C. F., intimated that I was unwilling to accept, etc.

To set this in its true light, I make this statement and proposition:

I am not aware that I have written or uttered one word that can be construed into a just cause of offence to Elder Howell, that has not been predicated upon what he has said in public, published in the Index, or written to me or to others concerning myself. I understand that an endorsement of what another man writes is equivalent to the authorship of what is thus endorsed.

If I mistake in this matter, let it be shown, and that offence, if ungrounded, shall be withdrawn.

Now, let Elder Howell take back the offensive language he has used, and all that I have said falls at once. If he is the aggressor, and I claim that he is, let him recede, and we are at once where we were before this collision.

I will specify my grievances when called upon by you. Very truly,

J. R. GRAVES.

I explained also my position to A. B. Shankland, and he was so confident that it would be accepted, unless prevented by C. A. Fuller, that he saw Dr. C. K. Winston and procured an interview between us. I stated my proposition to him, and gave him my reasons for rejecting Elder Howell, and why the same could not be rejected by Elder Howell, if sincere. Dr. Winston said my proposition was the *spirit* of the one presented by Elder Howell to me. I said, "then make it the *letter*, and I will accept it, and there is no reparation I will withhold from Elder Howell that Christianity can require." He gave me to understand that he believed Elder Howell would unquestionably consent to it. He left, promising to see Elder Howell himself, and let me know.

I understood from Brother Shankland, the next day, that the proposition would doubtless be accepted by Elder Howell. About this time I left with my family for West Tennessee. While on my way to the cars, I received a message from Dr. Winston, through Brother Shankland, perhaps, appointing that night for an interview with me. I understood it was to close the affair upon my proposition. I was compelled to go forward, and left, leaving assurance that I would abide by my word.

The next news I heard, when supposing that nothing could prevent an amicable and honorable settlement of the unfortunate affair, was, that Elder Howell had had me arraigned before the Church!

It is for you to say whether I did all a Christian man could do under the circumstances. The brethren who acted for me know that I told them I was ready to do any thing they should decide the Bible required of me.

I introduce here a confession made by Dr. C. K. Winston to me about this date, which convicts Elder Howell of duplicity: a statement that establishes what I have charged, viz., that Elder Howell from the first acted with Jones, Sam. Scott, and Fuller, and members of their type of *Christian* character, to oppress and degrade me.

During a conversation of some length between Dr. C. K. Winston, Elder J. R. Graves, and myself, upon the state of affairs between Elders Howell and Graves, after discussing various points pertaining to the difficulty, Elder Graves complained of the treatment he had received of Elder Howell, and of his insincerity from the day of his return to this city. Elder Graves complained that Elder Howell had professed the greatest friendship for him in their personal interviews, and expressed a strong desire to cooperate with him; at the same time refusing to notice him as a minister, or even as a brother, in the social prayer-meetings; that Elder Howell had made it his invariable practice to call upon brethren to pray on the right and left of him, (Graves,) but had studiously avoided him. Elder Graves claimed that Elder Howell must be insincere from the fact that this had been his course before any thing had occurred of which Elder Howell complained. Dr. Winston replied that Elder Howell had conversed with him concerning his treatment of Elder Graves in that particular, and gave as his reason for doing so, that it was in deference to the expressed feelings of some of the brethren of the Church.

The above is substantially and nearly *verbatim* a conversation that took place in our business house in August, 1858.

W. P. MARKS.

I heard the conversation alluded to by W. P. Marks, and it is substantially true. I was forcibly struck with the idea of a pastor refusing to recognize one of his brethren, and especially a minister.

E. F. P. POOL.

I was present when the conversation alluded to above occurred, and have no hesitation in saying that it is in substance correctly narrated. I distinctly remember how much I was astonished to learn that there was an understanding between Dr. Howell, the pastor of the Church, and certain members, that Elder Graves, who was also a member in good standing, should be thus treated.

S. C. ROGERS.

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PROSECUTION.

About sunset on the afternoon of September 8th, the night of the regular Church meeting, Mr. Shankland incidentally saw me as I was passing his office, and asked me if the charge would be brought that night against Mr. Graves. I told him that I did not know certainly, the matter not being in my hands, but supposed that they would be. Mr. Shankland asked me to interpose and prevent it, expressing, as his opinion, that Mr. Graves would yet do justice to the parties aggrieved. I promised him that I would speak to the brethren having the matter in charge. I did so. They, however, having lost all confidence in Mr. Graves' disposition to do any thing in the case which would be right or scriptural, and their patience being utterly worn out, declined longer delay. The charge was preferred at the regular business meeting of the Church in September.

What else could you do? The whole Church was beginning to be reproached as upholding his conduct, and to suffer in public estimation as *particeps criminis* in his guilt. You could not disregard the divine law enacted for your government in all such cases. It is recorded in the fifth chapter of 1 Cor., as follows:

"I verily, as absent in body, but present in spirit, have judged already, as though I were present, concerning him that hath so done this deed; in the name of our Lord Jesus Christ, when ye are gathered together, and my spirit, with the power of our Lord Jesus Christ, to deliver such an one unto Satan for the destruction of the flesh, that the spirit may be saved in the day of the Lord Jesus." "Know ye not that a little leaven leaveneth the whole lump? Purge out, therefore, the old leaven, that ye may be a new lump." "Now I have written to you not to keep company, if any man that is called a brother be a fornicator, or covetous, or an idolater, or a railer, or a drunkard, or an extortioner; with such, no, not to eat." "Do ye not judge them that are within?" "Therefore put away from among you that wicked person."

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DEFENCE.

It is really absurd for Elder Howell to quote the above scriptures in order to justify his course and that of his party, for if those scriptures are at all applicable to me, then Elder Howell and his party openly *violated them*. The incestuous person in 1 Cor. v. was to be *expelled* forthwith—not *tried*; put away, not reparation sought from him by private interviews, or Church action. But Elder Howell claims he labored, and waited, and hoped on patiently for months, to induce me to do justice to him and sundry other brethren, so that my case might not come before the Church at all; and failing in this, he brings me before the Church, and continues a "trial" from the 12th of October until the 10th of November following.

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PROSECUTION.

The original charge against Mr. Graves was preferred by two members of the Church, John C. Darden and Charles A. Fuller, who, under an imperative sense of duty, preferred the charge with the first four counts; and S. M. Scott and Anson

Nelson afterward preferred the fifth. Mr. Graves ridicules these brethren, and avers that they were employed by the pastor to bring them for him. You well know, Brother Moderator, that they were not brought for the pastor, as before said, any more than for themselves and the members of the Church generally, who had been so long outraged by the conduct of Mr. Graves.

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DEFENCE.

Whether Elder Howell, or Mr. Darden and his colleague, appears on the face of this trial as prosecutor, you can judge. Elder Howell may in vain endeavor to escape the responsibility of this outrage and violation of private rights by this thin pretext. If he can change the character of an offence by finding some one ostensibly to prosecute for him, what becomes of the law of Christ touching personal offences?

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PROSECUTION.

One more fact ought here to be stated. It is well known to you and others, that it had been the expectation, if Mr. Graves would force the Church to a trial, to move the reference of his case to a large and able committee, with instructions to call a council, half of whose members should be named by Mr. Graves, to examine the case thoroughly, and report to the Church for its action. Mr. Graves' partisans in the Church meeting, however, especially Messrs. Scovel, Dayton, Creighton, and Rutland, earnestly repudiated all such committees, and inveighed against them as unscriptural and "inquisitorial." They required the case to come directly before the Church. In compliance with their views, and apparently much to their satisfaction, the case was ordered as they wished. It was voted to entertain it; a copy of the charge and the counts, and the specifications, (referring definitely to every proof relied on in the case,) was ordered to be placed in his hands; a day was set apart for the hearing of the case, and the Clerk was instructed officially to summon him to be present and answer.

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DEFENCE.

There is an impression made by this statement, placing those who advocated law and order in the Church in a false light.

I have inquired if one word was said or intimated about calling a large and able Council, or admitting any advice from abroad whatever, and learn there was none; but C. K. Winston, Elder Howell's confidant, expressed himself to Brother Shankland as opposed to Councils. C. A. Fuller violently opposed them when urged by Brother Marks to desist, and still allow a Council to be called.

But Elder Howell and his party well knew it was the wish of Churches and Associations to call a Council, and letters were addressed to them, but they would not read them to the Church!

*Testimony of Brother Marks.*

I can truly say that no proposition was made to me, nor did I ever hear it intimated by any friend of Elder Graves that any allusion was ever made by the prosecuting party to call a Council during the various conversations that took place previous to the night on which the charges were brought; and so far as the proceedings of that night are concerned, I most emphatically deny that either myself or any of Elder Graves' friends, in my hearing, objected to a Council, for the following reasons:

1. There was no proposition made by the prosecutors to call a Council; neither did they in any way allude to it.

2. We were all (Elder Graves' friends) in favor of a Council, and of course would not object to it.

When the charges were first brought before the Church, Elder Graves being absent, his friends protested against the proceedings on the ground that the gospel steps had not been taken. In this we were voted down, and a motion prevailed to entertain the charges and a time fixed upon for their hearing, but no allusion was made to a Council. At the adjourned meeting the charges were brought up, but Elder Graves still being absent, a motion was made by A. Nelson that the action of the Church be postponed two weeks, and then proceed with the case whether Elder Graves was present or not.

In addition to the above, I have another fact in point. During the pendency of the so-called trial I had a long conversation with one of the "principal prosecutors," C. A. Fuller, in which I claimed that the Church had done Elder Graves great injustice, and urged that a large Council should be called; that the Church had nothing to fear, if she felt justified in what she was doing; if her case was as clear as she pretended, others could be made to see it, and a Council would be an advantage to her in that particular. I urged that those who were prosecuting and voting in the case were deeply prejudiced, and there was no possibility for Elder Graves to receive justice, and that I was compelled to believe that a majority of the Church had been drilled, for many had been heard to say that they knew nothing about the facts, but they were going to vote Graves out anyhow. I urged that it was the custom among Baptist Churches to call a presbytery to aid in ordaining a minister, also to call a Council to advise in despoising him. Mr. Fuller emphatically ignored the idea of a Council; said it was a matter purely belonging to the Church; that the final action rested with the Church, and he saw no good arising from a Council.

It is also claimed that I assured the Church that Elder Graves would defend himself before his prosecutors, and, evidently, Mr. Graves had changed his plans, etc. I will here say that Mr. Graves and myself never had a moment's conversation respecting the mode of his proceeding before the time above alluded to; but after the charges were brought, I wrote immediately to him, and in his reply he marked out the course he should pursue in the case, and he has rigidly followed the plan he proposed in every particular. It is true that I stated before the Church, that Mr. Graves could triumphantly defend himself, and would most certainly do so; but I spoke for myself, knowing the history of the case as I did; but I did not say that Mr. Graves would be dragged before a tribunal, assembled and influenced with the spirit of a mob, to defend himself; and that he will triumphantly vindicate himself as I predicted he would, I leave for an impartial world to judge when the facts are submitted.

W. P. MARKS.

It having been stated by the First Baptist Church, or rather by Dr. Howell, that in the difficulty between him and you, a Council was proposed by the majority of that body, and objected to by your friends, and my name mentioned as one of the objectors, I hereby declare, that in all my intercourse with the majority, in the preliminary meetings, viz.: the 8th and 21st September, 1858, before the so-called trial came off, and also, as one of a committee, on your part, to endeavor to bring about an arrangement with Dr. Howell, meeting Dr. C. K. Winston and Chas. Fuller, as a committee, on the part of Dr. Howell, the word "Council" was never used by any of them, nor intimated, nor even hinted at; on the contrary, some of your friends suggested as proper, that a Council should be called; but they declined entering into such an arrangement, stating that it was purely a Church affair, and a Council had no business with the matter. In the First Church there was a committee of discipline, of some six or eight members, and, though one of that committee, I never heard it suggested that the case should be referred to them except by Brother Rutland, in the way of derision, as the "inquisitorial committee." My candid opinion is, they were afraid a Council would do you justice, which did not suit their views and intentions.

NASHVILLE, April 1, 1859.

G. C. CREIGHTON.

*Testimony of Brother Shankland.*

I heard nothing relative to a Council from any of the adherents of Dr. Howell but once; I think it was the next day after Messrs. Darden and Fuller had preferred charges against Elder Graves. I suggested the propriety of the measure to Dr. C. K. Winston, at the same time stating to him as a reason of my conviction, that a majority of the Church were too much prejudiced against Brother Graves to do him justice. Dr. Winston stated in reply, that he had no faith in Councils—that a Council had recently been held in Louisville, Kentucky, and failed to satisfy more than one of the parties at issue—that a Baptist Church was the highest ecclesiastical tribunal on earth, and it was seldom that a man had been excluded from the Church who did not complain that injustice was done him.

Dr. Winston acted as the Moderator at the so-called *trial* of Elder Graves.

MARCH 2d, 1859.

A. B. SHANKLAND.

What will the public, what will Elder Howell's dearest friends say, when they learn that Elder Howell affirms what he knew to be false—I am compelled to say it—what Dr. Winston knew to be false, what Fuller and Sam. Scott knew to be false, that I, or that my friends, ever opposed a Council! I have just learned that he has published the following in the Church document taken from his organ in this city:

Regret has been in various quarters expressed, that *an able and impartial Council* was not called to assist the Church in this important trial.

The original design was to call such a Council; but it will be remembered that *Mr. Graves's special friends earnestly opposed giving any such direction to the case*. Mr. Marks, the brother-in-law of Graves, assured us that *Graves intended to contest the case* before the Church; and Mr. Rutland, Mr. Creighton, and Mr. Dayton made speeches to show that for committees, and all similar appliances, there is no Scripture authority whatever. All those who are now the Graves faction, and who have published that they are about now to call a Council of their own, to try Mr. Graves, then insisted that Councils, committees, and all like forms, are wholly opposed to scriptural polity, and that every case *must be tried by the Church*, and by the Church alone. Disposed to extend lenity as far as possible, and to comply if possible with their wishes, the brethren acceded to their desires, and the case was brought at once before the Church. All this is well known to the Church. If the Church *has erred* in trying J. R. Graves *without the assistance of a Council*, it is because he, and his partisans, demanded that it should do so, and it kindly consented to defer to their requirements.

There is not the least ground for the above declaration; and as you have heard, my friends urged the calling of a Council, and found the opposite party bitterly opposed to it!

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PROSECUTION.

I have especial reasons, Brother Moderator, for calling attention to the fact, and I wish it to be distinctly remembered here and elsewhere, that Mr. Graves is not now arraigned before you for any errors he may have espoused respecting Christian doctrine or polity, however unscriptural his sentiments may be; and especially is he not arraigned for his Landmarkism. Were he before you on these grounds, I should still insist on an able Council to assist you, however earnestly it might be opposed by Mr. Graves and his friends. He is arraigned exclusively for grossly immoral and unchristian conduct. He may seek, and I imagine he will, to make the impression that he is charged with other and trifling things. Indeed, he is already endeavoring to do this. You will, I am sure, hold him strictly to the issues before you.

## DEFENCE.

Why should Elder Howell seek to make the impression that I or my friends ever opposed, or were unwilling for a Council, when he and his party knew the opposite to be true? It is one of my complaints in this transaction, that Elder Howell nor his party would listen to a request for a Council.

If ever a Council was proper and expedient, it was in my case, since Elder Howell admits that nearly all the members of the Church, the jury who were to render the verdict, had been outraged by me, and were of course incensed against me. Were they capable of rendering an impartial judgment, and especially when their baser feelings were excited and appealed to by the speeches of the prosecution?

To try me and adjudge me by the voice of the members of the Bible Board, and their wives and children, was an outrage upon all law, justice, and human right.

## PROSECUTION.

It is very plain, from considerations already adduced, and still more evident from the recent tone and style of his paper, that he intended to provoke you to the utmost, under the impression that no one would dare to charge him before the Church; and if charged, that he would be able to intimidate and alarm you so as to prevent any effective action, while he would himself refuse to meet any of your requisitions. Of this, his conduct last night is of itself sufficient proof. In addition to those already before you, consider the following facts: About the time the private negotiations were pending, and before this charge was laid before the Church, he published in his paper, articles, of which the following are examples: In the Tennessee Baptist of July 17th, 1858, No. 45, he endorses an article from Rev. C. R. Hendrickson, of Memphis, in which occurs the following passage:

"One of your (Graves') bitterest enemies of Nashville, when in Memphis, said: 'They [this Church] could not take hold of you so as to throw you out of the Church; they would like to do it, but could not.'" He adds: "By the way, if that threatened attempt should be made, there would be such a howl of indignation throughout the South-west, that the Church in Nashville would think the day of judgment had come."

Nor is this all. In his said paper of July 17, 1858, Mr. Graves supposes a case to illustrate his own. He says:

"Now suppose that they, [*Mr. Dayton's* alleged persecutors,] as a last resort to ruin him, charge him before the First Church, and a majority should pronounce him guilty, and exclude him, who cannot see what would follow? Should he find a Church that would give his case a hearing, and, assisted by a Council, if you please, prove him an innocent and grossly-wronged and persecuted man, and give him membership, the Concord Association would take cognizance of the fact, and pronounce that one of the Churches was in disorder. But right here would be brought in extraneous influences, personal considerations, and the whole transaction would be charged upon the Landmark Baptists, or the editor of the Tennessee Baptist, (as the late Sabbath-School Convention was,) whose design was to divide and make a party; and the division once commenced, who could foresee its end? Every Church in Middle Tennessee and North Alabama would be forced to take sides, and the limits of the State would not confine it. Now this would be, should it take place, surely charged to the advocates of the Landmark policy; but who cannot see that the very innocence of Brother Dayton (he doubtless means himself) would be the real cause of it, i. e., should the denomination be determined to sustain his innocency against his assailants."

But what are the evidences that they thought *your intimidation* easy, and that in the course of a few weeks they had actually fully accomplished it? They are found in various considerations, but especially in an article in the Tennessee Baptist, No. 49, dated August 21, 1858, from the junior editor, as follows:

"Brethren need not *fear* a Church trial of either the senior or junior editor, Brother Graves or Dayton. There has been no charge against either of us. There can none be made that can be *sustained*." "I do not believe the brethren who put in circulation the report that charges have been made, or will be made, *will dare to make any such charge*." "There will be a great deal of threatening thunder in the passing cloud, but it will turn out to be only wind."

Such were the threats and menaces held over you by Mr. Graves, should you dare to call *him* to account for his flagrant immoralities. All your pretences "are only wind." You "will not *dare*" to *arraign* him, much less to find him *guilty*. Do so, and he tells you beforehand, and to your face, what will be the results. He will make it a Landmark issue, and bring upon you all the adherents of that doctrine: he will apply to another Church for membership; which will call a Council, give him admission, and pronounce him "a grossly-wronged and persecuted man," and *your proceedings* shall thus be rebuked and denounced; the *Concord Association* will, he confidently tells you, *call you to account*, pronounce you in *disorder*, and place upon you the ban of *excommunication*; he will *compel*, indeed, every Church in Middle Tennessee to *take sides*, and if they are not all in his favor, he will *divide* them; nor will the limits of the State confine the division he will make. This is what he will do. Now bring your charges if you *dare*! Nor is this all. *Dare* to pronounce *him* *guilty*, and "*such a howl of indignation* will come up from all parts of the South-west, as will make you think the day of judgment has come."

At last, goaded beyond endurance, the charge is actually brought, and what do you now see? The junior editor, in his next paper, September 11, laughs at the proceedings in an inflammatory and bitter article, tells his readers that "the testimony referred to was *nothing but some articles published in the Baptist Register and Tennessee Baptist, and has long been before the world, and consequently not private, as is now contended, but public and notorious, but of no importance. They were published, and therefore not sinful!*" He then introduces a correspondent, who signs himself, whether truly or not I cannot say, but perhaps truly, since Mr. Graves is himself "*a member of the First Baptist Church,*" who writes as follows:

"It was with great mortification I witnessed at the First Baptist Church, last evening, so strong a determination to carry on the work of distraction *by them so recently commenced*. They are bent upon doing *one thing*, which if they shall effect, *will ruin the First Baptist Church in Nashville*. Yes, sir, the star of its hope will set; its candle will go out. The Lord of hosts will not permit his Church to perpetrate so great injustice against one of his servants—one that has *vindicated his truth*, as the editor of this paper has—without *purging her with his great wrath*."

#### DEFENCE.

The above may pass for all its weight. The intimation by Elder Howell, that I may "perhaps truly" be the writer of the above article, is a cunning stroke. This plan has been resorted to by my opponents to force me to give up the names of correspondents, either for the gratification of their curiosity or to wreak their vengeance upon them. I have not always seen fit to gratify them, nor will I sooner gratify Elder Howell now than I did Elder Dawson. I may be the veritable "Member of the First Church,"\* and I may be Probus.

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\* Mr. Graves was not in Middle Tennessee when that article appeared.

## PROSECUTION.

Why all this bravado? What does Mr. Graves propose to accomplish by it? It is evident that his design was to intimidate the Church, and thus prevent it from entertaining the charge brought against him for his unchristian conduct. It is evident that from the first he was determined to give no satisfaction, but to prevent the Church by intimidation from investigating the charge. The impunity you have for years past given Mr. Graves, permitting him to attack, maltreat, and abuse the best men in our denomination, unquestioned and unrebuked, has rendered him bold and reckless in his sinful course. And now when he finds that you will not be intimidated; that the Church will no longer suffer him as a member to go on in his defamations of character and other immoralities, thus bringing the cause of Christ into reproach and dishonor, he refuses to be tried by you, pretends to withdraw, and denounces you as a faction. You will, of course, not regard his movements in these respects, since the Saviour himself apprises you that some offenders will act in this manner; they will, as Mr. Graves has, "Refuse to hear the Church." "If he refuse to hear the Church, let him be unto thee as a heathen man and a publican." The pretended "withdrawal" of Mr. Graves cannot affect the right of the Church to proceed with the trial. The conduct with which he is charged is evidently within the jurisdiction of the Church. But in proceeding with this trial, you should as carefully prosecute it in all its parts as if he were himself present, that, if he is found guilty, you may fully record, and place before the eyes of all our brethren, the true reason why HE is to you as a *heathen man and a publican*.

Pardon me, Brother Moderator and brethren, for having detained you so long in these preliminary statements. They were necessary to a proper understanding of the subject, and to place you and me, and all of us, in our true positions in relation to this trial. I now proceed to the consideration of the first count in the charge against J. R. Graves.

## DEFENCE.

Having disposed of the statements, representations and colorings by which my prosecutor saw fit to prepare the minds of his people in order to secure a proper decision, I will submit the first count, specifications and testimony, with but few remarks.

## PROSECUTION.

## COUNT I.

The first count in the charge brought against J. R. Graves in this category, is as follows:

"We, the undersigned, members of the First Baptist Church, Nashville, Tennessee, charge Rev. J. R. Graves, a member of said Church, and one of the editors of the Tennessee Baptist, with 'grossly immoral and unchristian conduct, in that he has sought to bring upon R. B. C. Howell, the pastor of said Church, reproach and injury, and thus to destroy his character and influence in the South-west, by forcing him into collision with Rev. A. C. Dayton, late Corresponding Secretary of the Bible Board, and now one of his associate editors, through the publication, in his said paper, of various false and malicious representations.'"

This count in the charge, made before you, after mature and prayerful deliberation, by two responsible brethren in behalf of themselves and of the whole Church, is of a most serious and important character. Is Mr. Graves guilty? Would to God he were not. That he is guilty, however, is unquestionable. This fact I shall place, in as few words as possible, beyond the reach of doubt, by full and

legitimate evidence, and in doing which I shall find it necessary to reproduce and review all the evidence that has been read before you.

The production, within a few years past, of two volumes of *religious fiction*, entitled *Theodosia*, and which attained at once an almost unprecedented popularity, suddenly gave to Mr. Dayton a reputation of the highest character. He found a warm place in the great Baptist heart. His praise was heralded throughout the land. This work evinced superior genius, and although as an argument greatly inferior to many others, and in some respects, especially in the second volume, seriously unscriptural and objectionable, yet as "*a story of love and marriage*," it was exceedingly attractive. He was believed to be very far the most popular minister in all the South-west. In this I rejoiced with probably as much sincerity as any other man, never imagining that this popularity was to become the instrument of *my* overthrow, and of your overthrow and destruction. Mr. Graves, it seems, wanted the means to put us down, and he readily imagined that if he could bring us into conflict with that overwhelming power, that we should be at once and effectually crushed. The manner in which he attempted this work has been stated in the count now before you.

The grounds upon which he essays to justify his false and malicious publications against me in relation to Mr. Dayton, are a *speech* made by me in the Sabbath-school Convention, held in this city last autumn, and a *letter*, making some personal explanations, dated December 21st, 1857, and published in the *Christian Index of Georgia*. To that *speech* he has recurred in his paper often, and at great length, but he has not designated in it, nor can he designate a single sentence or word which reflected injuriously upon Mr. Dayton, in any way as a man, as a Christian, as a minister, as an author, or as a Corresponding Secretary of the Bible Board of the Southern Baptist Convention. The truth is, I did not in that *speech* refer to Mr. Dayton at all. He was not in my thoughts. In the *letter* in question, and that contains every word that I have ever published on the subject anywhere, or at any time, I made two statements of *facts* which were certainly not very reputable to the parties concerned. *The first* was the declaration by Mr. Dayton, in the newspapers, before it assembled, that the Sunday-school Convention was called at my instance, and his statement in the same newspapers, after its adjournment, that it was called by him and Mr. Graves. *The second* was that they had concealed from me their purpose to avail themselves of that Sunday-school Convention to inaugurate a new Publication Board in the South to be under their direction. Still the whole letter was written in kind language, and assuredly with the best feelings toward all concerned. Before I introduce Mr. Graves' gross and criminal assaults founded upon it, I will refer to several other facts necessary to be known, in order that this subject may be fully understood.

He charges as one of my chief offences, that in the letter in question, I had implicated Mr. Dayton as neglecting his duty as Corresponding Secretary, to write books, which he vehemently denies, and pronounces it a foul, cruel, and unjust imputation upon the Secretary. What shall I say to all this?

Mr. Graves knew, since he had been a member of it from the beginning, that the Bible Board, about the time of its organization, adopted a resolution requiring the Corresponding Secretary to devote his *undivided time* to the duties of his office. He further knew that he had himself then recently stated that the same *Corresponding Secretary* was busily engaged in preparing a *series* of books for publication. The proof of the fact is before you. In his Register for 1858, then before the public, on the cover inside, fronting the title-page, under the head of "South-western Publishing House," we have this notice of

"New Books to be published in 1858:"

"The Infidel's Daughter, by the author of *Theodosia*, To be ready by the first of March.

"Nos. 1 and 2 of a series of Baptist Sunday-school Question Books, by A. C. Dayton."

In his paper he said, if I mistake not, that these Sunday-school books the Secretary would have ready, and present them to the Union at its approaching meeting to be held the coming April, at Americus, in Georgia. He could not help seeing

that I, or any one else, would naturally and involuntarily couple these two facts together: the prohibition of the Secretary from devoting his time to any other than the business of his office, and the fact that he was devoting his time largely to writing books for Mr. Graves—he himself having announced that, in a short period, he would furnish him *three* volumes—and that the inquiry would arise, as a matter of course, whether in *this case* the Bible Board, if its claims were regarded, would not *demand to be consulted*, and that *its consent* should be had before Mr. Dayton could justly, according to his contract with that Board, give so much of his attention as the work indicated would certainly require, to the preparation of these books. I did not object to his writing the proposed books. Probably the Board, had it been consulted, would not have objected. This, however, was not certain. I did not, in the letter referred to, nor anywhere else, even allude to any book, or tract, or article previously written by Mr. Dayton. My objection, so far as appears, was not to any book that he had published, or might publish. In all that I said and wrote on these subjects, I spoke of Mr. Dayton only in the most respectful and courteous terms. This is the whole amount of my offence against Mr. Dayton. Nothing else, so far as I know, was *then* even pretended.

Mr. Dayton himself did not, at that time, seem to think himself grievously offended. I arrive at this conclusion from the fact, that subsequently, as previously, he associated with me, in my own pulpit, and out of it, and, so far as I knew, or suspected, freely and affectionately. It did not occur to me that I had ever given him reason to feel or act otherwise. And this state of things continued up to the period at which Mr. Graves' inflammatory articles began to appear. Since that time Mr. Dayton has been wholly another man. He has abandoned our congregation, our prayer-meetings, and other religious assemblies. He has kept at a distance from me, and evidently avoided us all whenever it was practicable to do so. With these facts distinctly before us, we proceed to the specifications and proofs of the charge before us.

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DEFENCE.

It seems that all the inflammatory remarks were not deemed sufficient to secure the effect desired; a mass of other matter must be brought in before the first specification is proven. I shall still be permitted to follow him.

His informal remarks have reference principally to Elder Dayton.

It is true that I did charge, first to Elder Howell's face and afterwards in my paper, that his assault upon Elder Dayton was cruel, and calculated to destroy his influence as Corresponding Secretary of the Bible Board. It is true, Elder Howell very adroitly aimed his blow so as to avoid the responsibility of direct impeachment, but yet its influence, like this charge against me and Elder Dayton and the proposed Sunday-school Board, is none the less fatal in its effects. It is, indeed, true, that he did not charge Elder Dayton with abstracting nearly all his time from the service of the Bible Board to write books for his own profit. O, no, not this! but what did he say? "Let him prepare them," *i. e.* the books, "if the Bible Board will allow their Corresponding Secretary to devote nearly all his time to writing books," etc. Is the shaft any the less deadly because the aim was an indirect one? Give me the open, honorable enemy who will plant his shot openly at my breast, rather than him who hides and shoots me in the dark, or when my back is turned. But no man can deny that he did virtually charge Elder Dayton with spending nearly all his time in writing books, by raising the suspicion in the brethren at large that he had done or was doing it. Now what possible reason does Elder

Howell bring forward to support his charge, for he feels the force of his position, and acknowledges it by presenting his reason. What is it? Why, sirs, he finds on the cover of a Register, put forth by Graves, Marks & Co., in 1857, an announcement of new works or editions to be issued in the year 1858—that reads thus, word for word:

*“New books and editions to be issued in 1858.*

(Several first named, and then follows,)

THE INFIDEL’S DAUGHTER. *By the author of Theodosia.*

*To be ready by the first of March—*

Nos. 1 and 2 of a series of Baptist Sunday-school Books. By A. C. Dayton.”

Now from this you learn that the Infidel’s Daughter would appear in some form some time during the year 1858, while two little question books would be ready by the 1st of March following—some seven months from the time Elder Dayton had concluded to prepare them. But Elder Howell, in order to press this announcement into his service and make a show of something to warrant his implied charge, imposes upon his own people; presuming upon their ignorance and that of the masses of Baptists, changes the announcement by the use of the punctuation marks! I would not expect to convince any man that Elder Howell was capable of doing such an act unless I could demonstrate it to their senses. He gives that announcement thus—

*“New books to be published in 1858:”*

The Infidel’s Daughter, by the author of Theodosia,

*To be ready by the first of March.*

Nos. 1 and 2 of a series of Baptist Sabbath-school Question Books, by A. C. Dayton.”

Now, this differs from the original in two respects: 1. The heading is not like the original, although the words are quoted. 2. Elder Howell has placed a colon at the end of that line; it is a period in the original. He has placed a comma after daughter; there is a period in the original. And to crown all, he substitutes a comma for the period after Theodosia, and in order to include the following line in his sentence, which, in the original, has no connection with it, and places his period after the word March, whereas, in the original, there is only an em dash, equivalent to a comma.

Now what alteration in the statement of the announcement does all this make? The original simply says that “The Infidel’s Daughter,” by the author of Theodosia, would be issued some time during the year 1858—some fifteen months from the time this was written—and that there would be ready by the first of March, Nos. 1 and 2 of a series of Question Books, by A. C. Dayton. But Elder Howell makes it to read that the “*Infidel’s Daughter*” would be ready by the first of March, and leaves the reader to decide for himself when the other two books will appear; but in his speech he appeals to the Tennessee Baptist to prove that they were to be ready to present to the meeting in Americus in April! To justify his attack upon Elder Dayton, then, he makes all these changes in the advertisement, to make it bear him out in saying that three books—one a large one—would be written and published by the

Corresponding Secretary by the first of March *ensuing!* when there was no intimation given that more than two little Question books, the work of one hour or less per day, would appear—the fruit of the hour Elder Dayton has long been accustomed to give to the study of the Bible.

We pass this presumptuous act of Elder Howell with this remark. These changes, so many and so nicely made, to produce a sense to sustain his implied charge against Elder Dayton, prove to you that they were made deliberately—were the result of *study*. You may judge if any act could be perpetrated with the English language of greater turpitude than this. It involves the violation of every moral principle.

#### PROSECUTION.—FIRST SPECIFICATION

In the Tennessee Baptist, No. 23, dated February 13th, 1858, Mr. Graves says:

“There is manifestly a systematic attempt to cripple down the Secretary of the Bible Board, on the part of anti-Landmark men, and editors.” “And not the least indicative sign [is] the allusion to Brother Dayton as Corresponding Secretary, in Elder Howell’s letter to the Index, in which he *virtually—to all intents and purposes—attaints* BROTHER DAYTON FOR MALFEASANCE IN OFFICE, by an *insinuation*. We allude to this sentence: ‘But we are told by the newspapers, that *this very brother* is himself rapidly preparing Sunday-school books, and that several will be ready and actually presented to “The Union” in April next, at Americus, in your State. Very well. *Let him prepare them, if the Bible Board will allow their Corresponding Secretary to devote nearly all his time to writing books, and instead of presenting them to the Union, send them to the Southern Baptist Publication Society. If they are such books as the Baptists approve, that Society will publish them, and for as small a price and in as good style as the work can be done elsewhere in the South or South-west.*’ Does Brother Howell mean to say that the Corresponding Secretary *has neglected or may probably neglect his official duties to write books?* If not, why say, ‘If the Board will allow him to devote *nearly all his time to writing books?*’ In any light the impression left is very bad, and casts SUSPICION upon the *Secretary*, reflecting too nearly a sentiment once before published in this city, which no man should approve.” “He [Mr. Dayton] *has done too much good to be let alone. He is enjoying too much of the love and attracting too much of the attention of Baptists, not to be compelled to suffer the penalty that superiority or great usefulness is ever doomed to pay.*”

In these extracts, deliberately written and published by Mr. Graves, I ask the attention of the Church to the following considerations:

1. He asserts that in the letter in question, I “*attainted* Mr. Dayton for *malfeasance in office.*”

Was it then a crime in me to suppose that Mr. Dayton had especially contracted to give his undivided time to the service of the Board, if any considerable portion of it was diverted to another purpose, it must be with the consent of the Board, and to give its consent the Board must be consulted on the subject? Could I suppose that Mr. Dayton would think such consultation degrading? It seems to me that it would have been far otherwise. The Board had not been consulted, and I was not certain that when it should be, it would allow its Corresponding Secretary to devote so large a portion of his time as the work indicated would necessarily demand, to writing books. I said in other words, If the Board will consent, let Mr. Dayton write the books, and let the Southern Baptist Publication Society, if they approve them, publish the books. And *this is attainting* Mr. Dayton for *malfeasance in office!* It is certainly a “false and malicious representation,” designed to excite contention between me and Mr. Dayton, and thus to bring upon me reproach and injury.

2. What does Mr. Graves mean by saying in this connection, that Mr. Dayton “has done too much good to be let alone” by his pastor and others?

Does he not substantially affirm that I joined with others, to harass, assail, and persecute Mr. Dayton because he has done so much good? This, also, is plainly a false and malicious representation, made with the same design as the other.

3. What, I ask you, does Mr. Graves mean by declaring here that Mr. Dayton "is enjoying too much of the love and attracting too much of the attention of Baptists, not to be compelled to suffer the penalty that superiority and great usefulness is ever doomed to pay?"

Mr. Dayton may be a *very great* and a *very useful* man. The greater and the more useful he is, the more, if he were also a good man, would I rejoice in having him among us. I am sure that while I never claimed to be his equal, it never occurred to me that I had any reason to be jealous of his popularity, or envious of any portion of the Baptist love he enjoys. I always supposed that I had myself fully as much popularity and of the love of my brethren as I ever deserved. My feelings on these subjects, however, Mr. Graves, it seems, cannot understand. Does he not here charge that because Mr. Dayton is my superior, I seek his overthrow? Does he not substantially affirm that I am envious of the love and attention that the Baptists give to Mr. Dayton, and that I "attain him for malfeasance in office," that I may deprive him of that love and attention? These representations are "false and malicious."

What, I now ask, could have been his motives for making them? Who can doubt that it was his design to force me into collision with Mr. Dayton, and thus arraying his great popularity, which he himself so much lauds, against me to break down my character, influence, and usefulness in the South-west?

#### DEFENCE.

I call your attention to the fact that this first specification does not agree with the one referred to in the copy of the indictment furnished *me*. In that, as in the one published in this trial, the first specification is the Southern Baptist Register for 1858. But Elder Howell's first specification here is the second one in that, "*the Tennessee Baptist, No. 23, Feb. 13, 1858!*" You will perceive the specification was not even read out of the Register by Mr. Fuller, and now Elder Howell makes no allusion to the Register in attempting to sustain the first count! This is a fact of important significancy. It will be used by me hereafter.

I did express it as my deliberate conviction, as I said, that Elder Howell, in his Index letter, did virtually, to all intents and purposes, attain the Corresponding Secretary for malfeasance in office. What is the import of this language? To attain is to spot or stain, as may be done by exciting suspicion. "*Malfeasance in office,*" is the performance of some act which the party had contracted not to do—what he had no right to do. Now I expressed it as my opinion that Elder Howell's language, as above quoted, did virtually excite the suspicion in the mind of the denomination that he had done, or was about to do, what he as an officer had contracted not to do, or had no right to do. I am willing to submit it to you to say, without any argument of mine, if I was not justifiable in putting this construction upon Elder Howell's language? If you doubt, his very speech upon this point will convince you; for he says that he did mean that since Elder Dayton had especially contracted to give his undivided time to the service of the Board, if any considerable portion of it was diverted to another purpose, it must be with the consent of the Board, and that to give its consent the Board must be

consulted on that subject; but that the Board had not been consulted by Elder Dayton, and that he (Elder Howell) was not certain that when it should be it would allow its Corresponding Secretary to devote so large a portion of his time as the work indicated would necessarily demand, to writing books. Elder Howell has thus proved to you that my opinion was well founded—that he did design to convey the same impression I had said his language forcibly conveyed.

I meant precisely what I said. Elder Dayton, in my opinion, had done too much good to be let alone; but I did not say, by his pastor and others, or by his *pastor* at all; I alluded to the world-admitted axiom that greatness and superiority had to pay a penalty. Elder Dayton was now severely set upon by the press in Charleston, and Tuskegee, and Knoxville, and by a party in the Bible Board, as well as by all the opposers of his book without; and I intended to say that I thought his pay-day had come. Elder Howell is at liberty to take the whole of it to himself if he feels himself guilty of having stirred up or promoted all this opposition to Elder Dayton in the Bible Board, and by these papers.

You must judge with the lights before you whether I, by defending my innocent friend and brother against the attainure of Elder Howell, am chargeable with forcing him into collision with Elder Dayton, or whether Elder Howell did not precipitate such a collision upon himself by his gross and cruel attack.

You will see by my article, which you should read at length, that I showed Elder Howell how his language would and must be understood; and what is the conclusion? Certainly if Elder Howell did not wish it to be so understood, and to have its natural effect upon Brother Dayton, he would promptly explain it. It certainly could be no degradation of his dignity to deign an explanation, and certainly when he saw that his language was used to the injury of Elder Dayton.

But Elder Howell undoubtedly by that letter was preparing the public mind for the report of this party in the Bible Board, which followed fast the heels of his letter. So much for the first but legally the second specification.

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PROSECUTION.—SECOND SPECIFICATION.

In the Tennessee Baptist, No. 24, dated February 20th, 1858, Mr. Graves utters the following:

“That part of Brother Howell’s letter that *most deeply pains us*, is the sentence that casts that MOST UNKIND AND CRUEL SUSPICION upon Brother Dayton. Unless it does by implication charge him with *having spent* most of his time, or that *he is now spending*, or that the probabilities are that *he is about to spend* most of his time in writing books, we cannot gather Brother Howell’s intent in penning it. He must have known that it would *deeply wound* Brother Dayton’s feelings, mar his *peace*, and make him *uncomfortable*. He must have known that the sentence was admirably calculated to *excite suspicion* in the minds of all over whom he had influence. He doubtless *knew* that such a paragraph as this had been penned and published by ‘A Member of the Bible Board.’ Surely Brother Howell nor any other man can think it *strange* that *Brother Dayton should feel sensitive* to see such insinuations *reproduced by the President of the Bible Board.*” “If it be a sin against morals, or *the Holy Spirit*, for the *Secretary of the Bible Board* to write a

book or a tract while so connected, is it not as *heinous a sin* for the pastor of a Church, who *sells his* time for a stipulated sum? Establish this law, and *our Brother Howell* is the most guilty man known to us, unless Brother Everts, of Louisville."

In this extract I desire to call the attention of the Church to the following points:

1. When that letter was written, *I was not the President of the Bible Board.*

This is another specimen of the recklessness of Mr. Graves's assertions, when he thinks he can by such means serve his purposes.

2. He says that I reproduced insinuations of "A Member of the Bible Board," "once before published in this city, which no man should prove," against Mr. Dayton.

Who wrote the article in the Baptist Watchman, signed "A Member of the Bible Board," I know not; I never sought to know. I did not write it myself. Dr. Jones assures me he did not write it. It was, however, a short, plain, and courteous statement of facts.

The "insinuations reproduced" by me, as here charged by Mr. Graves, and of which he says I doubtless knew that they were the same with those of a paragraph published by *an editor* of this city a year before, and to which he has of late so often recurred, and commented upon so bitterly, I find, upon inquiry, to have been an article which appeared in the *Parlor Visitor*, then conducted by Rev. W. H. Bayless, at the time pastor of this Church, and Dr. W. P. Jones in this city. That article of Dr. Jones I never saw. Up to this hour it has not met my eyes. I was curious to know its character, and learned that it was a *critique upon Religious Novels* generally, which the writer condemned in strong language, as calculated to do in the Christian life harm in the same way and to the same extent that ordinary romances do in common social life. It repudiated *all love-sick stories, religious or irreligious*. I am told, however, that nowhere in that article, which so mortally offended Mr. Graves, does either the name of Mr. Dayton or of Theodosia occur. How, then, it may be asked, could Mr. Dayton consider himself especially implicated? By what process of reasoning could Mr. Graves apply it *to me*, since I had nothing to do with it, and never saw it? Mr. Graves, without any reason, justice, or propriety, placed these circumstances in this relation to subserve his own purposes. He first made Dr. Jones's article on religious novels apply to Theodosia; then he applied it to Mr. Dayton as the author of that book; then to Mr. Dayton as Corresponding Secretary of the Bible Board; and having, by repeated appeals, nearly two years ago, and before my return to the West, succeeded in stirring up among his partisans not a little odium and angry feeling against Dr. Jones, he now seeks to connect this matter with my *Index* letter, and thus to transfer to me that same odium and angry feeling, so unjust even in its application to Dr. Jones, and how much more so to me! But in all this what was Mr. Graves's design? It was his design to injure me and put me down, by bringing to bear against me the late extraordinary popularity of Mr. Dayton.

3. Mr. Graves avers that I have brought upon Mr. Dayton "*most unkind and cruel suspicions.*"

I have already explained the relations of the parties to the standing rule of the Bible Board, requiring the Secretary to devote his undivided time to the duties of his office. Mr. Graves, however, again brings it up in new associations, and I must again explain. In view of that rule, which, since it existed before, necessarily entered into Mr. Dayton's contract with the Board; and in view of the authoritative announcement of Mr. Graves himself, that the same Secretary was diligently at work preparing a series of books for publication, which were to be ready in a few months; how could I conclude otherwise, believing, as I did, all the parties honest Christian men, but that the Board would be consulted, and might possibly withhold its consent? I suggested this as delicately as I was able, and certainly in courteous and respectful language. Mr. Graves is filled with indignation, and pronounces it "*that most unkind and cruel suspicion*" cast by me upon Mr. Dayton; asserts that I "*must have known that it would deeply wound*"

him, "*mar his peace, and make him uncomfortable;*" that it would "*excite suspicion;*" and that "Brother Dayton felt sensitive," because it was "*a reproduction by the President of the Bible Board of former insinuations.*"

What could Mr. Graves hope to accomplish by all this tissue of falsification and appeals? They are charged by the brethren as "*false and malicious representations;*" they are now proved to be "*false and malicious representations*" His purpose was undoubtedly to bring me into collision with Mr. Dayton, and thus by arraying against me his supposed overwhelming popularity, to bring upon me, in the minds of his admirers, reproach and injury, and to destroy my character and influence in the South-west.

But that *this was Mr. Graves' purpose*, and that he flatters himself that he has already to a great extent really accomplished it, we have still more direct and unequivocal testimony. Various articles in his paper might be referred to, but I will satisfy myself with one only. It is found in the *Tennessee Baptist*, dated July 17, 1858, as follows:

"Our readers will find in this column this week a fine specimen of the sentiments of not the Baptist *rank and file* only, but of a number of the leading minds of the denomination from Maryland to Florida, and Virginia to the farthest Texas." Among these "*fine specimens*" is one from a man who signs himself "*Alabama,*" and in commendation of whom Mr. Graves says, he is well informed as to the state of public feeling in his section, as the others are in their sections. "*Alabama*" writes thus:

"Where is Tustin's influence in South Carolina? Where are Hillsman's and his friend H.'s [Howell's] in Tennessee! Where is Henderson's in Alabama! *Not one of them has a tittle of the influence* in the heart of their territory that they had before they began this war upon Brother Graves and his paper. They have made a pit and digged it, and are fallen into the ditch which they made. Their mischief has returned upon their own heads, and their violent dealing has come down upon their own pate."

I have only to ask, why, if Mr. Graves did not intend to destroy my character and influence in the South-west, does he thus congratulate himself that he has done so, and eagerly, and with commendations, publish the declaration that I have not now one tittle of the influence that I had when he commenced *this war upon me in his paper?*

Other specifications, and many more proofs of Mr. Graves' guilt as charged in this count, might be introduced, but these are deemed amply sufficient. We have now seen that he falsely charges me with "*attainting Mr. Dayton for malfeasance in office;*" with envy of Mr. Dayton's popularity; with persecuting Mr. Dayton on account of his superiority and usefulness; that he refers to me as President, when I was not the President of the Bible Board, that my letter to the *Index* might appear the more offensive to the admirers of Mr. Dayton; that he charges me with reproducing an article in the *Parlor Visitor* which I had never seen, in order to attach to me the odium which he had attached to that in the minds of the friends of Mr. Dayton; and that I originated in the public mind unkind and cruel suspicions of Mr. Dayton. It is, therefore, unquestionably true that Rev. J. R. Graves is guilty of having sought to bring upon me reproach and injury, and thus to destroy my character and influence in the South-west, and that, to accomplish this purpose, he has sedulously labored to bring me into conflict with Rev. A. C. Dayton, who had a high reputation for piety and usefulness, and to accomplish which he has published in his said paper various false and malicious representations.

This count, without further testimony or remarks, I now submit, Brother Moderator, to the judgment of the Church. I know, brethren, with the law and facts before you, that your decision will be made in the fear and according to the Word of God. From your verdict, whatever it may be, I will never shrink—I will never appeal.

Mr. Fuller said:

*Brother Moderator:* I do not rise for the purpose of offering any additional arguments as to the charge now before the Church. It seems to be a point in the

line of policy adopted by J. R. Graves, that no defence is to be made. It is a part of the programme announced by him on last night. Such being the case, upon his head must rest all the responsibility of permitting the case to go before the Church for final judgment without appearing to defend it. The members of this Church have been violently assaulted in the Tennessee Baptist, and some of its members denounced as the vilest of the vile. You have been taunted and goaded almost beyond human endurance. Efforts have been made to browbeat and overawe you by its thunders, to prevent you from entertaining and considering the charges presented before you. And at last, when patient endurance was exhausted, and the charges brought against the accused, what is seen! False assertions are made as to their character, and coarse and vituperative language is employed to disparage the reputation of those who had the hardihood to present themselves before the Church as the accusers of J. R. Graves. And even you, or a majority of the members of the Church, are charged by one of the editors of the Tennessee Baptist as having been drilled to suit the purposes of Graves' accusers. If any drilling has been done, it will be found to be among those who were the principal actors in the closing scenes of last night. J. R. Graves then announced that he withdrew from the First Baptist Church, and that he no longer considered himself a member. This may be Baptist usage, according to his understanding, and is a perversion no worse in its bearings than many others that have been heralded forth in his paper. But I know of only three ways of getting out of a Baptist Church. 1. A letter of dismissal to join another Church of the same faith and order. 2. Death, which separates all earthly ties. 3. Exclusion. And it seems strange to me, if J. R. Graves has such perfect confidence in his innocence as he pretends, he should now waive and avoid a fair trial before his brethren, where he can meet his accuser face to face. Does his failure to appear proclaim his innocence? After having *dared* the Church to entertain charges against him, a *new light* appears to have dawned upon his vision, and he now seeks to evade the investigation by declaring you incompetent to act as his judges. Why is this? Does it not show a consciousness of guilt, and a fear of its being made manifest by a fair and impartial investigation? Such I think will be the verdict of the denomination when the facts are fully placed before them. As one of the prosecutors, I have no private purposes to subserve. Rather would I rejoice if he could exculpate himself from these accusations. Before they were brought I carefully examined all the testimony, and was unwillingly forced to the conclusion that he is guilty as charged before you. And I now appeal to you to decide on the evidence submitted. Let no consideration of private friendship for your pastor, or any regard you may entertain for me personally, bias or influence your judgments. Remember that the eyes of God himself are upon you, and therefore I urge you to act and decide as standing in his awful presence. *We* are but as dust in his sight. It is ours to seek the *truth* in this matter, and having found the truth, boldly and firmly to act upon its convictions. With a conscious rectitude of motives in the prosecution, I leave the ultimate decision with you. Upon your decision must the accused stand or fall, and from your decision there can be no appeal. Fully convinced of the guilt of the Rev. J. R. Graves, I again call for your decision, and will cheerfully submit to whatever it may be.

#### DEFENCE.

1. This specification is little else than the first reproduced with comments upon the sentiments of other brethren expressed through the Baptist. They ought to have satisfied Elder Howell, and for this end they were published, that his attack was construed as we said it would be, and that it was injuring himself, and would continue to do so, unless he explained or withdrew his language.

2. Elder Howell affirms that he was not President of the Bible Board when he wrote that letter. I did not say he was, on the *very*

day he wrote it! His letter appeared in the Index on the 7th of December, 1857, and he was elected President of the Bible Board eleven days after. He had been President of the Board when we penned that article he refers to, *forty-four days exactly*. This may pass as a specimen of my "recklessness." I referred the authorship of that letter to the President of the Bible Board because it was exerting all the influence his position could give it.

But mark Elder Howell's consistency in sticking over these eleven days, when it is well known that he claims to be the President of all the Boards by virtue of being President of the Southern Convention! If then his assumption is correct—if he represents his own position truthfully, then he was President of the Bible Board when he wrote the article!

3. Read over the language of the specification. Now read this language, written by Dr. W. P. Jones, in the Parlor Visitor, that so outraged the sensibilities of the thousands that read it—written doubtless to affect his position before the Biennial Convention, and thus defeat his reelection, or, at least, draw upon him the rebuke of that body. This is the language I alluded to.

Take these attacks upon the Secretary together—this implied charge of committing the sin against the Holy Ghost, or something like it. The committee raised by this Jones in the Bible Board to inquire into the published articles of Elder Dayton; this letter of Elder Howell to the Index, so similar to the attack of Jones, in the Parlor Visitor; in addition to this, the report brought in by that party in the Bible Board, and the letter to the Baptist Watchman, and charges of the South-western Baptist sustained by a party in the Bible Board, and decide whether I was not bound to believe that the injury and removal of Elder Dayton from the Secretaryship was designed. Decide as you may, *it was effected by these means*, and they were eminently calculated to effect it.

4. The inflammatory harangue of C. A. Fuller, at the close of the prosecution, is not deserving of a notice by me, since it cannot fail to receive the reprehension of all Christian men. He must needs say something that he may seem to be a prosecutor. Mr. Darden does not do so much as this, but lets his claim go by default.

5. The Church and the Council are now called upon to decide whether these specifications, brought forward by Elder Howell to convict me, were ever furnished me before the night they were read out in their "trial," only a few seconds before I was called to rise and meet them? If there is a brother who will say this was either just or Christianlike, I have not so hard a heart as to wish him to be treated thus by enemies who seek his injury.

6. Finally and conclusively, having passed through the *allegata* by which the first count is claimed to have been sustained, in order to point out the false statements in which they abound, I now dispose of this charge in a word. **THE THING CHARGED IS AN UTTER IMPOSSIBILITY, AND THEREFORE THE CHARGE IS AN ABSURDITY IN ITSELF, needing no refutation!**

Will you hear the Clerk read the charge once more? "By forcing him [Howell] into collision with A. C. Dayton." Do you mark that language? Could I *force* Elder Howell into a collision with any man on earth? Could any number of men do it? Could an army with can-

non? "Force him!" Why, Sir, he ascribes to me super-angelic powers, for all the angels in heaven could not *force* him contrary to his own will! God alone can force a man's will. Elder Howell, therefore, attributes to me godlike powers, which is blasphemy! YOU ARE BOUND TO QUASH THE FIRST CHARGE OF THIS INDICTMENT on the ground of its utter absurdity.

If my construction of Elder Howell's language with reference to Elder Dayton was not legitimate, how easily Elder Howell could have explained it to Elder Dayton, as he held constant intercourse with him, and then my efforts would have recoiled upon my own head.

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PROSECUTION.

Mr. Fuller moved that the vote be now taken upon the first count in the charge preferred against Elder Graves.

The Moderator. All who believe that this count in the charge against Elder Graves, has been sustained by the testimony, will rise.

Upon a count, it was ascertained that eighty members were standing.

The Moderator. All who believe that this count has not been sustained by the testimony, will rise.

No one rose.

The Moderator then declared that the Church had decided that this count was sustained.

Mr. Fuller stated that the decision of the Church by the vote just taken, afforded him no personal gratification. He had acted solely from a sense of duty to his Church, and he believed the members of the Church had done their duty in this matter.

Upon motion, the Church then adjourned, with prayer by the Moderator, to Friday night, at 7 o'clock.

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DEFENCE.

We are willing to let the curtain drop upon this scene, and upon that declaration of C. A. Fuller, that the result of the vote afforded him no personal gratification! Would he or Elder Howell have been equally gratified had the vote been that I was *not guilty*, and, therefore, that all his and Elder Howell's statements and representations of facts were without foundation in truth? Believe it who can.

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PROCEEDINGS OF THE SECOND DAY.

WEDNESDAY AFTERNOON, 2 o'clock.

Council met according to adjournment.

After singing a hymn, and prayer by Elder T. D. Jones, Elder Graves resumed and finished his reply to the first charge.

The Moderator appointed a committee, consisting of W. H. Grimmitt, R. R. Barton, John Sanders, to whom was referred the defence against first charge and specifications.

The second charge and specifications were then read, to which Elder Graves, in defence, spoke as follows:

BROTHER MODERATOR AND BRETHERN OF THE COUNCIL:—

I have now the second count and specifications before me, which I will review briefly.

## PROSECUTION.

FRIDAY EVENING, Oct. 15th, 1858.

Met pursuant to adjournment.

The proceedings were opened by reading a portion of Scripture, and prayer by the Moderator.

The reading of the minutes of the two previous meetings was dispensed with.

On motion, the second count preferred against Elder J. R. Graves was taken up, and read as follows:

*Secondly*, In that he has endeavored to distract and divide said Church, by means of a conflict between its pastor and four of its deacons, and several others of its influential members, which he has labored to produce by various inflammatory articles published in his paper.

Mr. Fuller stated that the evidence to sustain this charge was to be found in various issues of the Tennessee Baptist, which he read as follows:

Tennessee Baptist, No. 26, March 6, 1858. "Every reader can see that these brethren [referring to Hillsman and Howell] took the initiative in declaring a war against their Landmark brethren, and that they [the Landmark brethren] are to be proscribed from the Boards that direct the great interests of Southern Baptists." Again: "Should it come to this, who would be chargeable with the deplorable results that would follow? That man who first objected to this Board, because he imagined that the majority of it were Landmark in sentiment." Again: "We urge the Clerk or pastor of each Church to bring this resolution before their several Churches at their next Church meeting: *Resolved*. That this Church regard the brethren nominated as a Board of Managers for the Southern Baptist Sabbath-school Union, unsound and wholly incompetent for the work. And if one-half, or a small majority of the Churches in the South-west and South, say that they regard the brethren named—Dayton, Sharpe, Graves, Scovel, Shankland, Nelson, Beech, Murfree, Pool, Fish—as incompetent to decide on books suitable for Sunday-school children, we will urge their claims to their confidence no more, and bow our heads, and let proscription triumph."

Tennessee Baptist, No. 33, April 24, 1858. "The names proposed [and who] would have constituted the Board, if elected, are, Dayton, Graves, Rogers, Scovel, Shankland, Nelson, Murfree, Pool, Beech, Fish—ten names.

Tennessee Baptist, No. 23, February 13, 1858. "The opposition, led by Brother Howell and Hillsman, burst forth in all its fury when the committee made their report." "A most gross and shocking attack was made upon the men, or some of the men nominated, because of their opinions with regard to some matters of Baptist policy." "No one, we presume, will question the competency of A. C. Dayton to discharge the duties of the Presidency of the Union." "To Brother Sharpe, we suppose no man in Georgia or out of it has yet objected as Corresponding Secretary. Brother S. C. Rogers, the Accountant of the South-western Publishing House, was recommended as Treasurer, *because it was necessary for some member of that house to fill this office if the Board was located in Nashville, since money would constantly be remitted for books in the letters sent to the house ordering their publications.*

"H. G. Scovel, the chairman of the Board, is a man of large means, an intelligent, practical business man, deacon of the First Baptist Church, and has been for years the Superintendent of its Sunday-school, and a prompt and efficient Boardman. Who better qualified than he for the position of Chairman of the Board? A. B. Shankland has been for twelve or fifteen years a deacon of the First Church, and a teacher in its Sunday-school, and for seven years a dealer in Baptist books. A. Nelson, deacon of the Church, and from boyhood until now either scholar or teacher in the Sunday-school, and for some years connected with a Baptist book store. E. F. P. Pool, late of Virginia, for many years a teacher or Superintendent in a Sunday-school. Wm. F. Murfree, a brother of liberal education and fine cultivation, having years' experience as a Sunday-school teacher. A. C. Beech, deacon of First Church, and teacher in its Sabbath-school. S. Fish, for years a

Sunday-school teacher and the efficient Superintendent of the Sabbath-school in Murfreesboro.

"The above are the names of the BOARD nominated by the committee, and if our life depended upon selecting a better Board in the First Church of Nashville, to decide the proper character of Sunday-school books, we could not do it. They would make a better Board for this purpose than would the Senate, or any four members of the Senate of the United States, or of the Parliament of England. We would prefer them to any seven of the most learned men in the United States known to us, be they D. D.'s or LL.D.'s. These men were trained from earliest childhood in Sunday-schools, and ever since early manhood been teachers or Superintendents in Sunday-schools. To question their ability, is to offer them the grossest insult, because it would be to deny them the possession of *natural capacity and common intelligence*; for they have had, during a long series of years, the very education and training to fit them for the work of deciding the character of books best suited to children and youth."

Tennessee Baptist, No. 24, Feb. 20, 1858:

"Brother Howell's attack upon the Board" was "such an attack upon men and brethren before the Convention [as] is without a precedent in our knowledge. It shocked the feelings of every Baptist present who heard it, or heard of it, save those three or four who were enlisted to defeat the Union. That Brother Howell should lead such an attack, was as astonishing as it was painful to all who loved him. We notice this feature of the opposition to the Union with regret seldom felt by us, but as we were the chairman of the committee that nominated those brethren, instrumental in exposing them, without their knowledge, to such shafts, by commending them as every way qualified and suitable to decide upon the proper character of Sunday-school books, we feel in duty bound to defend them."

Same paper again: "What, then, can be the charge against these men? If they possess the requisite piety, morality, and *intellectuality*, what do they lack? If they are not heretical in doctrine, and possessed of the above rare qualifications, what better Board is needed? In what respect are they so sadly, so fatally disqualified, that *no body of men like them would be accepted* by Brother Howell to purvey theology to his children? In what light can we place them, admitting them so qualified, as to conclude, with Brother Howell, that they are *wholly incompetent* to discharge the duties assigned to that Board? We searched in vain to find it in the letter, and then tried in vain to imagine it. We knew it could not be their *business* qualifications, for they are well known in this city to be among our most reliable business men—men who have been the architects of their own fortunes—men long used to manage discreetly large amounts of money, from fifty thousand to hundreds of thousands annually. Here we recurred in our mind to Brother Howell's speech in the Convention, in which he gave his reasons for opposing the Board, that it seemed to point to the pecuniary interests of private individual enterprise.

"What circumstances excited suspicion but the bare fact that such men were nominated? What is the force of Brother Howell's significant—we had almost written, sneering—expression in his letter, 'Then why create a Board here, and especially *such* a Board,' etc.? We ask Brother Howell with all due respect and courtesy, what he means by emphasizing the term *such*? Does he mean that these four deacons of his own Church, as well as the three other brethren nominated, are so *ignorant* or unprincipled as to unfit them for the work? If not, why say derisively, 'and especially *such* a Board?' We think an explanation is due the committee, and due these brethren. It would be demanded from another man, we are confident."

Again: "What a cruel suspicion—aye, what a gross insult is offered to the men whose names were nominated for that Board.

"Here are the names nominated for a Board by that committee: H. G. Scovel, A. B. Shankland, A. Nelson, A. C. Beech, E. F. P. Pool, Wm. Murfree, and S. Fish.

"We affirm that these men are above suspicion in the respect intimated. They are not the men who can be corrupted by bribe or by favor. They are not the

men—not a man of them—who could be influenced by any means to violate the confidence of the denomination, or to prostitute any trust confided in them, to promote the pecuniary interests of individuals at the expense of the best interests of the denomination. No grosser insult could have been intimated than to suppose they could be used in this way.

“Who are the men nominated for a Board that Brother Howell is so unwilling to purvey theology for his children, ‘or any other like them?’ Four of them are the most efficient deacons of the First Church—H. G. Scovel, A. B. Shankland, A. Nelson, A. C. Beech. They are pious, intelligent, energetic, business men. The first named brother has for many years been the superintendent of the Sunday-school, and all or nearly all of them experienced teachers in the Sunday-school. Brother Howell should withdraw his children, and advise all other parents to withdraw their children from the instruction of such men, if they are unsafe purveyors of religious instruction to any man’s children. If they are either unsafe to be trusted, wholly incompetent to decide upon what should be taught to children in Sunday-school books, they are even more unsafe and incompetent to teach children directly in the Sunday-school. We again say of these men, against any man’s denial, that six better qualified men, either to manage the finances of the Union, or to purvey theology for any man’s children—to decide upon the books suitable for children—could not be selected in this city, or any city in the South. We would prefer them to any seven of the most learned men in the United States, known to us, be they D. Ds. or LL.Ds. These men were trained from earliest childhood in Sunday-schools, and ever since early manhood been teachers or superintendents in Sunday-schools. To question their ability is to offer them the grossest insult; because it would be to deny them the possession of natural capacity and common intelligence.”

Mr. Fuller stated that the prosecution offered this evidence to sustain the second count in the charge preferred against Elder J. R. Graves.

The Moderator called upon Elder Graves, if he was present, to submit any rebutting testimony he might desire; or if any other person desired to present such testimony, it will now be received.

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#### DEFENCE.

You will see that these were the specifications under the second charge we were called upon to meet. Will you decide here whether these were furnished to me on the night of the 8th of September, or ever before the moment I was called to rise and answer to them? Was I prepared to go into trial without them? Ought I to have submitted to such an outrage upon my rights as a *man* (and as a Christian?) I am not afraid to appeal this to the decision of any half-civilized community. And mark the policy, worthy of the Inquisition. I am called upon to say what I have to say before I even hear the argument of my prosecutor, before I hear what construction he places upon my language! How could I defend before I had heard the prosecution? What could I say but admit that I had written or published the language brought forward?

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#### PROSECUTION.

There being no further testimony offered, Dr. Howell said:

*Brother Moderator and Brethren*:—On this second count of the charge against J. R. Graves, it has become my duty to address you, for the same reasons that were imperative last night. The statement of those reasons I need not now repeat. In these remarks, which shall be as brief as possible, I shall have occasion to repro-

duce and more closely examine all the testimony in the specifications under the count now before you. The count is as follows:

## COUNT SECOND.

We, the undersigned, members of the First Baptist Church, Nashville, Tennessee, charge Rev. J. R. Graves, a member of said Church, and one of the editors of the Tennessee Baptist, with *grossly immoral and unchristian conduct, in that he has endeavored to distract and divide said Church, by means of a conflict between its pastor and four of its deacons, and several others of its influential members, which he has labored to produce by numerous inflammatory articles, published in his paper.*

The sin, Brother Moderator and brethren, with which Mr. Graves is here charged, is usually denominated *schism*, and is one of the most heinous of which a Church member can be guilty. It is an attempt to tear asunder the body of Christ, the integrity and harmony of which he is under the most sacred obligations to seek by every means in his power. On this subject Paul says to the Corinthians, 1 Cor. i. 10: "I beseech you, brethren, by the name of our Lord Jesus Christ, that ye all speak the same thing, and that there be no divisions among you, but that ye be perfectly joined together in the same mind and in the same judgment." And in another place, 1 Cor. iii. 3: "Whereas there is among you envying, and strife, and division, are ye not carnal, and walk as men?" To the Romans he says, Rom. xvi. 17, 18: "I beseech you, brethren, mark them that cause divisions and offences contrary to the doctrine which ye have learned, and avoid them. For they serve not the Lord Jesus Christ, but their own belly, and, by good words and fair speeches, deceive the hearts of the simple." In these and similar texts, we have the divine teachings in regard to the conduct with which, under this count, Mr. Graves is charged.

Mr. Graves attempts to deny your right to take cognizance of these repeated and persevering attacks upon the *union* and integrity of this Church, under the absurd pretence that this is a *private* personal matter between him and his pastor! He assumes this, both in the correspondence read here on Tuesday night, and in which you saw how grossly he had deceived brethren Jeter, Crawford, Campbell, Buck, Baker, and others, and in his pleas, entered to escape this trial. Why does he thus attempt to impugn our reason and common sense? Does he imagine that you do not know the difference between a private personal offence, and a public protracted and violent agitation to divide, overthrow and destroy this Church?

The plea upon which he makes these assaults upon the integrity and harmony of this Church is the same in this case as in the other: a speech made by me in the Sabbath-school Convention in this city, last autumn, and the letter referred to in the preceding count, published in the Christian Index, of Georgia. The substance of both is contained in the letter, which I ask, Brother Moderator, may now be read. It ought to have been read last night, but the reading escaped my memory until the proper time was past.

The Moderator. Do you desire that *the whole* letter shall be read?

Dr. Howell. Yes, sir; the whole letter. I wish this Church to see how shamefully it has been misrepresented; and, especially, that it gives no such provocations, as some of you have supposed, for the assaults Mr. Graves has founded upon it.

Mr. Fuller, by consent, read the letter as follows:

NASHVILLE, Dec. 21, 1857.

*My dear Brother Walker:*—I write now to inquire whether you have published a communication I sent you some time ago, in regard to the origin and early history of the Index. I have not seen it. Lately, owing, doubtless, to the derangement of the mails, not, perhaps, more than half your papers ever reach me. If the article has appeared, will you please mail me another copy of the paper containing it?

Our Sabbath-school Convention seems to have attracted very considerable attention. On that subject I may, perhaps, without impropriety, say a few words to your readers.

The call for that Convention was *credited to me*, and up to the time of its meet-

ing, I really, notwithstanding some developments which I did not comprehend, in my simplicity, supposed myself to have been its author. It is certain, however, that I did not contemplate the purposes which were developed in the assembly. I presumed that it would be such a Convention as those frequently, of late years, held in Virginia, in which might be presented the importance of Sunday-schools; the best methods of creating and rendering them permanent; the most successful way of conducting them, and how we could best and most readily cooperate with each other, throughout the whole South, in their advancement. Nor did I imagine that a constitution would be proposed to render the organization permanent under any name whatever. To this, however, when in general terms suggested, I acceded, still under the impression that nothing more than has been intimated was designed. Indeed, I thought it would be an excellent plan, and until the constitution was submitted, earnestly advocated it. When that paper was read, the whole truth came up before me. It was then apparent that the call for the Convention was not mine, and I am now glad that it was not. Not having been consulted at all by the movers in the enterprise, nor had any explanations, I was, it seems, behind the times, and left when the project was evolved, either to go, willingly or unwillingly, with the crowd in its favor, or to fall out of the ranks into a hopeless minority, as I might choose. All this Brother Dayton has explained and certified in an article lately published in your paper and several others. You are aware, my dear brother—for I was once your pastor, and you know me well—that I am an enthusiast on any subject that deeply interests me. I never conceal any of my designs, nor suspect any one else of doing so. In my zeal for Sunday-schools, I saw only what was apparent. If any attempt to *make use of me* for any purpose, without my knowledge or consent, has been developed, I regret it most sincerely, not so much for my own sake, as for the sake of those brethren who thought such a measure legitimate. This explains to Brethren Dayton and others, why "Dr. Howell advocated Sunday-schools as he did," in the Concord Association, and yet could not, for reasons he is always ready to assign, accept in the form proposed, "*The Southern Baptist Sabbath-school Union.*" It was heralded last summer, by Brother Dayton, that the Convention was called at the instance of Brother Howell. It is now heralded by the same *brother*, and in the same papers, that it was called *at his instance*, in consultation with Brother J. R. Graves, and of which Brother Howell was made the *passive instrument*. These are facts, and I speak only of facts developed by a general inspection of all the publications in the premises, which appeared in the meeting, and have since found their way into the newspapers. I am sorry that they are such as they are, but I am not responsible for them; and that they should be known, is due alike to me, to my brethren, and to the cause in which we are all engaged.

I cannot, my dear Brother, accept the proposed constitution, in its present form, of the Southern Baptist Sunday-school Union, not only because we had no such delegation present as (not knowing the mind of our brethren) authorized us to act for the South, but also, and mainly, because it originated *another* Southern Baptist *Publication Society*. We already have one, which is just now reaching a vigorous maturity, and having accumulated a capital of say forty thousand dollars, and under the direction of a Board of Managers, in whose piety, orthodoxy, wisdom, learning, and integrity, I have as much confidence as I could have in those of any men living upon earth. I have thought they might have acted with more energy, and have given to their publications a wider circulation, especially in the South-west; but my information on this subject is not sufficient to entitle my opinions to any reliance. This society is especially charged with the publication of Sunday-school books, and, as its reports show, is publishing them as fast as they can procure the manuscripts, and the means to send them forth. And shall we now create in the same field, and for the same objects, another society, intrusted with the very work already confided to this? Would this, even supposing the new society to be in every sense as competent as the old, be just to that society? Would it be just to ourselves? Would it be good policy? To me, this whole thing is repugnant. We are told, however, by your correspondent, that no harm will thus be done to the Southern Baptist Publication Society. Indeed, that it will be

rather benefited than injured by the presence and action of this new organization! *That* brother, should he take it into his head to wear my coat this winter, might just as well attempt to prove to me that, by doing so, he would put me to no inconvenience; that, indeed, it would be a benefit to me rather than an injury. The writer of Theodosia Ernest ought not to give us such logic as this. We are shocked by it rather than satisfied.

But we are told by the newspapers that this *very* brother is himself rapidly preparing Sunday-school books, and that several will be ready, and actually presented to the Union, in April next, at Americus, in your State. Very well. Let him prepare them, if the Bible Board will allow their Corresponding Secretary to devote nearly all his time to writing books, and instead of presenting them to the "Union," let him send them to the Southern Baptist Publication Society. If they are such books as the Baptists approve, that Society will publish them, and for as small a price and in as good style as the work can be done elsewhere in the South and South-west. And let that "*Sweet Singer*" also, Brother Fish, of which the Tennessee Baptist speaks, as now preparing "*Songs for Children*," do the same thing. Until the Southern Baptist Publication Society fails to do the work assigned it, we want no other.

Nor can I accept that proposed *local Board* in this city, whose names were laid upon the table, in the Convention, in deference to the appeals of an earnest minority, or any other like it, as the purveyor of theology for my children. I am sorry that, in reference to that action in the Convention, Brother Dayton said, in a voice of lamentation, in an article he appended to the publication of the projected constitution, that the best hope of the Baptist people must now be deferred until next April. I am not convinced that our best hopes are necessarily connected with the action of that local Board here, and if there were, the declaration would come more modestly from some one else than its proposed President. I bring no charge against the Christian, moral, or intellectual character of these brethren. They are nearly all members of my Church, and several of them among the dearest personal friends I have upon earth. Nor do I refer especially to the "Landmark" doctrine, known to be "a hobby" among them; which, by the way, they do not understand, since they have never yet learned the teachings of the Bible, nor the opinions of our brethren in the South, regarding it. There are several other doctrines inculcated in that office, such as those relating to the Abrahamic covenant, to the law of prophetic interpretation, and the millennium, which, although they do not invite, and bring upon us the same useless odium, are practically much more injurious. And what, I will now ask, is the use of this proposed Board at all? They tell us that if the books that may be offered can be published anywhere else than in the Tennessee Baptist office, in Charleston for instance, upon as good or better terms, that they shall be published in Charleston. Then why create a Board here, and especially such a board, to examine and pass upon them? Why not submit the manuscripts to the Board in Charleston? Does not the creation of a board here to examine and approve the manuscripts, intimate the probability that our brethren are afraid that the books they have written, or intend to write, would not be approved by such men as Manly, Winkler, Tupper, and others of the Charleston Board? But, besides all this—I say it in the kindest terms—this particular proposed Board, excellent as may be the personal and Christian character of its members, is, in my judgment, wholly incompetent to the task it is contemplated to assign it.

I do not expect to be in Americus next April. I suppose I shall not be. Nor do I know to what extent my opinions might influence the brethren there. Perhaps nothing will be gained or lost by my absence. I will only say further, that, upon mature consideration, I have arrived at the conclusion, that no good can arise out of this movement. I was strongly in favor of such an organization as I have described, to infuse life and spirit into Sunday-schools in the South-west. We cannot, it seems, have it by itself. I am, therefore, opposed to the whole project, and do hope that, by the brethren who may be at Americus in April next, it will be laid upon the table, and remain there indefinitely.

As ever, yours truly and affectionately,

R. B. C. HOWELL.

Dr. Howell continued:

It will be seen, Brother Moderator, that in this letter I said:

"Nor can I accept that proposed local Board, whose names were laid upon the table in deference to the appeals of an earnest minority, or any other like it, as the purveyor of theology for my children."

Further on, in the same letter, I said:

"I bring no charge against the Christian, moral, or intellectual character of these brethren. They are nearly all members of my Church, and some of them among the dearest personal friends I have upon earth."

Near the close of the letter I said:

"Why create a Board here, and especially such a Board, to examine and pass upon them? Why not submit the manuscripts to the Board in Charleston?"

"But besides all this—I say it in the kindest terms—this particular proposed Board, excellent as may be the personal and Christian character of its members, is, in my judgment, wholly incompetent to the task it is contemplated to assign it."

These extracts, be it remembered, contain the whole of my alleged offence against the Deacons, and other members named of this Church, and upon which Mr. Graves lays hold to effect a division in your body. Nothing else, so far as I know, has ever been pretended. These facts fully before you, we are prepared to take *another step* in the discussion.

Our mortal offence was the opposition we made to the inauguration of that Board. I was not alone in that opposition. I spoke and voted against it, and so also did some of you. Let us now see who were to have been the members of that Board, and how Mr. Graves prevaricates in relation to them. Would that Board have been composed of *four of the deacons and two or three other members of this Church?* In the Tennessee Baptist, No. 23, dated February 13, 1858, Mr. Graves mentions, *by name*, H. G. Scovel, A. B. Shankland, A. Nelson, E. F. P. Pool, W. L. Murfree, A. C. Beech, and S. Fish, all of whom except Mr. Pool, who has since united with us, and Mr. Fish of Murfreesboro, are members of this Church, and says: "*The above are the names of the Board, nominated by the Committee.*" Again, he says, Tennessee Baptist, No. 24, February 20, 1858: "Here are the *names* nominated by that Committee: H. G. Scovel, A. B. Shankland, A. Nelson, A. C. Beech, E. F. P. Pool, Wm. Murfree, S. Fish." And again, in another place, he says: "*Four of them are the most efficient Deacons of the First Church—H. G. Scovel, A. B. Shankland, A. Nelson, A. C. Beech.*" Mr. Graves, therefore, very assiduously labors to impress his readers with the idea that *these four deacons*, whose names he so often and so earnestly repeats, and two or three others, would have composed that Board. He says again and again: "*These are the names nominated for a Board.*" Did those brethren compose the Board? Mr. Graves himself shall answer.

In the Tennessee Baptist, No. 26, dated March 6, 1858, he says:

"Every reader can see that these brethren [Hillsman and Howell] took the initiative in *declaring a war against their LANDMARK brethren*, and that *THEY* [the Landmark brethren] are to be proscribed from the Boards that direct the great interests of Southern Baptists." "Should it *come to this*, who would be chargeable with the *deplorable results that would follow? That man who first objected to this Board*, because he imagined that a *majority of it were Landmark in sentiment.*" He then, in this same article, proposes one of those extraordinary measures so characteristic of Mr. Graves, which, it appears to me, no sane man ever could approve, and which by all our denominational papers that spoke on the subject, was so decidedly condemned, as follows:

"We urge the *clerk or pastor* of each Church (throughout the whole South and South-West) to *bring this resolution* before their several Churches at their *next Church meeting.*"

"*Resolved*, That *this Church* regard the *brethren nominated* as a BOARD of Managers, for the S. B. S. School Union, UNSOUND, and WHOLLY INCOMPETENT for the *work.*

"And if one half, or a small majority of the Churches in the South-West and

South, say that they regard the brethren named, *Dayton, Sharpe, Graves, Scovel, Shankland, Nelson, Beech, Murfree, Pool, Fish*, as *incompetent* to decide on books suitable for Sunday-school children, we will urge their claims to their confidence no more, and *bow our heads*, and let *proscription triumph*."

And in the Tennessee Baptist, No. 33, dated April 24th, 1858, Mr. Graves says: "The names proposed [and who] would have constituted the BOARD, if elected, are DAYTON, GRAVES, Rogers, Scovel, Shankland, Nelson, Murfree, Pool, Beech, Fish, ten names."

In these statements of Mr. Graves, therefore, although his catalogues are very different from each other, it is seen substantially who this *proposed Board* would have been, as understood by *him*, and as understood by *me*. When laboring to stir up strife between the pastor and deacons, and thus divide this Church, they are these said deacons and three others, Murfree, Pool, and Fish; but when afterwards his thoughts were in another direction, there is a change in the persons of the drama! He then recollects the other names! No one who examines these facts can avoid seeing with what ingenuity—to use no stronger expression—he attempted to carry out his schismatical design.

Why should Mr. Graves ignore the plain sense of my letter, and attempt, as we have seen, to make those four deacons and those other brethren mentioned believe that my purpose was to disparage them? I did not mean when I spoke of the Board to designate *as that Board* those four deacons and two other lay members of this Church. Such a thought was not in my mind. I thought those brethren, so far as I knew any thing of their doctrine, entirely orthodox. I considered them, also, highly cultivated, active and faithful Christians. I did not suppose that they would knowingly have permitted any thing unscriptural to come forth under their auspices, as Sabbath-school literature. Nor did I make or intimate such a charge, in my letter to the Christian Index; nor did I, in that letter, make any offensive imputation on any member of that Board. So far from it, I stated in express terms: "I bring no charge against the Christian, moral or intellectual character of these brethren, (the members of the proposed Board.) They are nearly all members of my Church, and several of them among the dearest personal friends I have upon earth." How could it be urged, in the face of this declaration, that I made in that letter personal imputations upon these brethren?

It is true, that in that letter I took a stand in opposition to the proposed Board. And allow me here, Brother Moderator and brethren, to state the facts and reasons which influenced me when I said: "Why create a Board here, and especially such a Board, to examine and pass upon them [the manuscripts]? Why not submit the manuscripts to the Board in Charleston?" "But besides all this—I say it in the kindest terms—this particular proposed Board, *excellent as may be the personal and Christian character of its members*, is in my judgment wholly incompetent to the task it is contemplated to assign it." The members of that Board were, with two exceptions—Elders Graves and Dayton—lay members of our own and other Churches, honorable, energetic, intelligent and business men. To those deacons and the other brethren I meant no disparagement, in imagining that they, at this late period of their lives, were not likely so far to change their habits and pursuits, as to turn book-makers and book-reviewers. Nor does Mr. Graves speak of them, as will hereafter be seen, as critics in these matters—as those from whom he expected literary and theological aid, so much as "business men;" men to manage the finances of the Union. And besides this, it is very well known that *theological errors* may be so infused into a book that the mere cursory reading of the manuscript, by men not profoundly versed in Polemic Divinity, may fail to detect its presence. And what more than a cursory reading could have been expected from these "business men?" Indeed, it seemed to me that opportunity might not have offered for even that much.

When there was formerly a Publication Society in this city, with which Mr. Graves was connected, the Board of that society was composed of as noble a set of brethren as those nominated for this Sabbath-School Union; indeed, several of them were the very same men; and it is well known that it was the habit of Mr. Graves to take the manuscript or the proof-sheets of any work he desired to pub-

lish, and going round to the offices, and other places of business of the members, or meeting them on the streets, to show it to them, *state in general terms* what it was, and ask their approval of its publication. But under the most favorable circumstances, the pressure of business engagements would, it seemed to me, preclude those brethren from any other than a cursory examination of the manuscripts proposed for publication.

It struck me that in this state of the case, the character of the Sunday-school books would depend mainly upon the opinions of the other two members of the Board, Elders Graves and Dayton.

The man who writes Sunday-school books, or upon whose judgment they are published, and put into the hands of our children, should be well instructed in the divine Word, and scriptural in his doctrines. And as it is desirable that a Sunday-school Union should be an enterprise upon which the whole denomination might unite, his theological knowledge and orthodoxy should be undoubted by all. Could the whole denomination unite upon the views and teachings of Elders Graves and Dayton? The Tennessee Baptist is understood to teach, that of the old Jewish law, all that part is in as full force as it ever was, which relates to circumcision; it endorses the doctrine as scriptural which was some time since known as Millerism, in regard to the Millennium, and more recently in the South known as Thomasism, characteristic of an ultra school of Campbellites, and actually disowned by Mr. Campbell himself; all of which Mr. Dayton teaches in his recent work entitled the Baptist Sunday-school Question Book. Nor are these the most unscriptural of their principles. I will not, however, now designate them, nor will I speak of the spirit by which Mr. Graves' publications are characterized. Even Mr. Graves' own friends, and especially the intelligent and well-read among them, do not endorse his orthodoxy. Rev. Dr. Joseph S. Baker, for example, one of his special defenders and champions, the writer of his tract entitled "The Question of the Age," says of him on this subject—Christian Index, dated April 28th, 1858:

"I do not endorse the Theology of the brethren in Nashville, [Graves, Pendleton, and Dayton.] I am a believer in a *personal* atonement, and believe that all for whom the Saviour has atoned will be assuredly saved; not *in* sin, but *from* sin, and all its direful consequences. I am *not a convert* to their views of the *premillennial* reign of Christ on earth, or of the reorganization of the Jews as a nation in Palestine."

And may I not say also, and say it without offence, neither do I endorse their orthodoxy. And this is the utmost construction which could be placed upon my letter to the Christian Index. In it I wronged no member of that Board. I assailed no member. Viewing the Board as a whole, I stated in effect that I could not endorse it. I have now stated the reasons why I could not endorse it. Those reasons were not that I doubted the intelligence, or the honor, or the orthodoxy of the lay brethren who in part composed it, but they do not claim to be theologians; and from the claims of their business upon their time, and their thoughts, it could not be expected that, under the most favorable circumstances, they could bestow more than a brief attention on the manuscripts submitted to them. The Sunday-school books would depend mainly upon the judgment of the ministerial members of the Board. Nor did I in that letter question the intelligence or the honor of those ministerial members. But I could not endorse, as many other brethren could not endorse, their orthodoxy. In my opinion, as in the opinion of other honest brethren, men of learning and ability, they entertained erroneous views, which I feared would pervade the Sunday-school literature which might emanate from the Board. And I honestly and conscientiously, yet courteously opposed the Board, in which, from the circumstances of the case, they would most probably exert a strong influence, which I feared would prove highly injurious to the orthodoxy of the rising generation. In this I can see no cause for blame. There was, in that letter, nothing to provoke or to justify the violent and persistent attacks made upon us by Mr. Graves. If he were offended with that letter, it was his duty, as a Christian, to have come to me for an explanation. That would have been frankly given, and it would have been explained to Mr. Graves, that I neither impugned the motives of him and Elder Dayton, nor assailed the integrity,

the intelligence, or the orthodoxy of the other brethren. He would have been frankly informed, that I only questioned the scripturality of his views, and opposed the Board, because I feared it would become the means of extending error. This *should* have been no cause of personal hostility between us. As Christians, and servants of one common Lord, we could agree to differ. But instead of this, he disregarded the law of our Saviour; he assailed us in his paper; he attempted to stir up strife between Elder Dayton and myself, and it has been seen that he succeeded but too well in exciting hostility in his breast towards me; he attempted to excite hostility in four of the deacons and other influential members of the Church against me, and by thus producing a conflict, to distract and divide the Church.

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DEFENCE.

1. The course pursued by the prosecution in the so-called "trial" is an anomaly, is as unparalleled as the occasion and circumstances that led to the trial itself.

The charge and specifications are read, the accused called upon to *rebut* the prosecution before he has heard it; the prosecutor is then allowed to make an hour's speech, before he notices the first specification—to speak away from, and not to the specification.

Elder Howell enters upon an elaborate defence of his Index letter and since he claims that he gave me no just cause for my judgment of it, and expressed opinion of its injurious influence, I will review it at some length.

2. The communication was written for publication, for Elder Howell, in referring to the Sabbath-school Convention, held in Nashville, October 23d, says: "On that subject I may, perhaps without impropriety, say a few words to your readers." Elder Howell after this cannot say he did not intend his letter for publication. In this letter he admits that he supposed himself the author of the call for the Sabbath-school Convention, but says he "did not contemplate the purposes developed in the assembly." I understand him to take the position, that in his advocacy of a Sabbath-school Convention in the Concord Association, he did not have in view the preparation and publication of Sabbath-school books. He says, "I presumed that it would be such a Convention as those frequently of late years held in Virginia," etc. I refer to Brother Pendleton, the Moderator of Concord Association for 1857, and to many of you here, in proof of the fact that Elder Howell, in the speech he made before that body in advocacy of the proposed Convention, dwelt on the importance of developing Southern writing talent in preparing a Baptist Sabbath-school literature. He said there was writing talent in the South, and that it ought to be called out. He spoke of the value and importance of books, and took occasion to say that Theodosia was exerting a very great influence in producing proper views of baptism. Elder Howell says, "when the constitution was read in the Convention, the whole truth came up before me." Again he says: "I cannot, my dear brother, accept the proposed constitution in its present form," etc. Who in the Convention of October, 1857, heard from Elder Howell one word of objection to the *constitution*? Did he object? Not until Nashville was recommended as the location of the Board, and certain brethren were

proposed as the Board of Managers, and *his name omitted*, (because he was opposed to the Union going into effect until after the Convention in Richmond in 1859.) That this was the reason that largely influenced him to attack the Union, and the chairman of the committee, and members of the Board, the testimony of Elder Grimmett is conclusive.

I say then, and not until then, Elder Howell said what no prudent man would say, and what no reasonable man would object to answering, or attempting to break the force of, as I did. But in this letter under review, he objects to the Board, and says he cannot accept it "as the purveyor of theology for his children." Now, an overwhelming majority of that Convention was well satisfied with the Board; but then, perhaps, they did not stop to consider how vastly superior Elder Howell's children are to the children of other people; if they had thought of this, what change it would have wrought in their views there is no telling. Excuse me, brethren, some things only deserve to be laughed at, others to be severely rebuked, and others to be pitied and forgiven, in remembrance of human frailty.

Again, as to the proposed Board, Elder Howell says, "I bring no charge against the Christian, moral or intellectual character of these brethren. They are nearly all members of my Church," etc. Let this be noted. When Elder Howell wrote this, what is now relied on to prove the fourth charge against me was before the world, with the exception of what I published afterward concerning Mr. Dawson. That is to say, (what I published of R. Fuller, J. L. Waller, W. W. Everts, W. C. Duncan, and J. P. Tustin,) all that is brought against me in the "trial" in reference to these individuals, was before the world when Elder Howell wrote his Index letter; and yet, in that letter he brings no charge against my Christian or moral character. He has no objection to me upon these grounds! It seems to me that this fact discloses, in trumpet tones, that the proceeding against me originated in *malice*.

Elder Howell says: "I bring no charge against the Christian, moral, or intellectual character of these brethren," etc. One is left to suppose, it might be that he objects to them on physical grounds, but he does not say so, nor on what grounds he does, but leaves you to suppose the worst remaining one. Elder Howell, in one of his speeches, tried hard to explain away this sentence in his letter. "Then why create a Board here, [Nashville,] and especially such a Board, to examine and pass upon them?" [*i. e.*, books.] He insists that he intended no disrespect by the phrase, "such a Board!" Of course, none at all! He says: "This particular proposed Board, excellent as may be the personal and Christian character of its members, is in my judgment wholly incompetent to the task it is contemplated to assign it." Yet Elder Howell designed in the use of this language to be perfectly respectful and courteous to the brethren referred to! Certainly! Did he ever intend any wrong? Surely not! Now, for the benefit of Sam. Scott and A. Nelson, who seem to be specially ignorant of figures of speech, I say some of this language is ironical.

I affirm that Elder Howell made an unkind and cruel thrust at the proposed Board; an attack, on the part of a pastor, upon the principa.

deacons and members of his own Church, in a public print, that for discourtesy and grossness, stands without a parallel upon the records of Baptist Conventions. I was the Chairman of a Committee of one from each State to nominate a Board. That committee had, without the knowledge or consent of these brethren, proposed them to the Convention as men eminently qualified to discharge the duties proposed to be devolved upon them. I, therefore, felt in duty bound to that committee, to those unoffending brethren so ruthlessly assailed, and to myself, to defend the action of that committee and that Board. I was called upon by members of that committee, after so long a silence, to defend them. I did defend them to the very best of my judgment and ability, as I would again; and if I am struck down by your censure for it, I will pray that should you ever be similarly placed, there may be found virtue in some heart, and daring in some arm, to defend you against your assailants, however powerful.

It is true, as said, that three of these very men I defended, have since, through the influence of their defamer, tried to disgrace me by their votes. The public may say whether they have not disgraced themselves rather by their recent act. They are excited now. They are moved by their passions. I appeal from these very men, now excited, to these very men, years hence, when cool and sober. Aye, I tell you to whom I will appeal; to the *sons* and the *daughters* of these very men, years hence, when they shall read the language of Elder Howell applied to their fathers, and from the degrading influence of which I incurred their own wrath, and the severest injury they could inflict or a man could suffer, in order to shield and defend them! The checks of the children of these very men, if they are possessed of manly feelings, will burn with shame when they see that their fathers raised their hands to excommunicate me from their Christian and Church fellowship, because I did affirm, against Elder Howell's published declaration to the contrary, that they were competent to act upon the Board of Managers of the Southern Baptist Sabbath-school Union!

This then, brethren, is my defence against the second charge. I PERFORMED MY CONSCIENTIOUS DUTY IN THE VERY BEST WAY I KNEW HOW, WITH NO INTENT TO MISREPRESENT ELDER HOWELL, OR MISCONSTRUE HIS LANGUAGE; and let it be borne in mind, that I repeatedly offered him my columns to explain himself, if he claimed that I had; but he refused to use them, or to correct me through any other channel.

Will not every one say that, had Elder Howell done this at once, explained or withdrawn his objectionable sentences, all misunderstandings would have been reconciled? for this, unquestionably, was a personal matter, although publicly known.

3. Allow me next to call your attention to the use Elder Howell makes of Dr. J. S. Baker, of Florida, to the injury of myself and my associate editors, Dayton and Pendleton, in the vain attempt to justify himself. Elder Howell quotes from Elder Baker's letter as published in the Christian Index of April 28, 1858, by way of showing his right to object to views inculcated in the Tennessee Baptist, (a right no one ever disputed.) Elder Howell quotes from Elder Baker as follows, (and mark the punctu-

ation points!) "I do not endorse the Theology of the brethren in Nashville, [*i. e.*, Graves, Dayton and Pendleton.] I am a believer in a *personal* atonement, and believe that all for whom the Saviour has atoned, will be assuredly saved; not *in* sin, but from sin, and all its consequences." "I am *not* a *convert* to their views of the *premillennial* reign of Christ on earth, or of the reorganization of the Jews as a nation in Palestine."

Now, what will be thought, when I say that in Elder Baker's letter there is only a semicolon (;) after the word "consequences," where Elder Howell places a period, (.) and ends the sentence; while the sentence in the *original* is completed with these words: "but I firmly believe that four-fifths of our denomination agree with Brother Pendleton in his views of this subject!" Passing over the fact that Elder Howell italicizes some of Elder Baker's words without giving intimation of it, which he has no right to do, I ask if any fair-minded man would have so egregiously garbled an extract, to inflict upon his brethren a stab *in a vital part*, as Elder Howell has done here, and as I showed you he had done in the case of the Register against Elder Dayton? Of course he had but one object in view. He did not wish it known that Brother Pendleton, in differing from Dagg and Spurgeon on atonement, has, in Elder Baker's firm judgment, but expressed the faith of four-fifths of the whole Baptist denomination! Who, before the revelation of this "trial," would have believed Elder Howell capable of this? Had it been intimated, before his mind became inflamed with prejudice, that he would ever do such a thing, and deliberately repeat it, would he not have said, "What! is thy servant a dog that he should do this thing?" And, then, a strange part of the matter is, that Elder Howell does not himself (that is, if he is understood) agree with Dr. Baker but with Brother Pendleton touching the atonement!!

4. But I am, as the senior editor of the Tennessee Baptist, charged with heresy, and here I meet it.

Brother Moderator, will you call upon the Clerk of this Church to produce the articles of faith upon which the First Baptist Church in Nashville was constituted, and the ones which Elder Howell, as pastor, signed. Now, sir, I lay my hand upon God's Word, and affirm that from my heart I do believe every article; nor do I hold to a tenet of doctrine, more or less than those, *that conflict with or in any wise militate against them*. Is this sufficient? If not, I am open to an examination. Let no man intimate that I have swerved from the faith of Baptists.

But Elder H. charges me with Millerism in regard to the millennium. It is simply *false*. I have opposed Miller to his face, when a student at school. I have ever discarded Millerism. He charges me with *Thomasism*—characteristic of an ultra school of Campbellism, but so gross as to be disowned by Mr. Campbell. I have personal acquaintance also with Mr. Thomas; but if I hold a tenet characteristic of Thomasism, I do not know it. Elder H. asserted what he knew, or ought to know, is false. But then I do confess that I did not endorse Elder H.'s little book on the Covenants, but opposed its teachings; and now Elder H. avenges himself. Possibly I may not be dangerously heretical, and not agree with Elder H. in the covenants, or even touching the millennium.

I replied to Elder Howell's attack upon the views advocated in some of the publications of the South-Western Publishing House through the Georgia Index, and I submit that here, as a part of the history of this trial. It is not an elaborate defence, but the outlines of one, hastily prepared at the time :

LETTER FROM REV. J. R. GRAVES.

NASHVILLE, January 13th, 1858.

To the Editor of the Christian Index:

There is one paragraph in Elder Howell's letter, which appeared in your issue of the 6th inst., having a direct bearing upon the South-western Publishing House. It renders a notice necessary, and the members of the house have requested me to reply, in their behalf as well as my own, through your paper.

1. We see not why the South-western Publishing House should be involved in this Sunday-school question. It has nothing to do with this matter, and never expects to have any thing to do with the Union any more than Gould & Lincoln, of Boston, or Sheldon, Blakeman & Co., of New York, have to do with it. The question was once informally propounded to the house, if it would be possible for us to print Sunday-school books, or if we would bid for the contract. The conclusion of every member was, that without largely increasing our machinery, we could do no more than print our own publications, which were increasing yearly; that it would be less profitable to print Sunday-school books than even usual job work. If a depository was connected with our house, it would be gratifying, owing to the large demand upon us for *Baptist Sunday-school books*—the books we send out being sometimes returned because not *Baptist books*.

Until this house has taken action in the matter, why should it be assailed and reprobated? Why should it be even mentioned in connection with the Southern Sabbath-school Union?

2. The particular paragraph in Elder Howell's letter to which we take exception is this:

“There are several other doctrines inculcated in that office, (Tennessee Baptist,) such as those relating to the Abrahamic covenant, to the law of prophetic interpretation, and to the millennium, which, although they do not invite and bring upon us the same useless odium, are practically much more injurious.”

The serious character, and if true, the injurious influence of this charge to this “office,” every reader of the Index can readily see. Suspicion is cast upon the publications of the house; even more, some of its publications are pronounced injurious by Elder Howell. All can see that just so far as his judgment in influential, it must turn the denomination from our house. This, we suppose, was the intent of the paragraph. We reply:

I. This house circulates a little work on the two covenants, prepared by Elder Hillsman. We do not suppose the views inculcated in this book are intended by Elder H.

II. The Editor of the Tennessee Baptist has set forth his views of the covenant of circumcision in the Southern Baptist Review and Tennessee Baptist; and similar views are briefly advocated in Pendleton's “Three Reasons,” and since these differ from those advocated by Elder H., in his book on the covenants, we suppose them to be the ones he regards injurious. My views of the covenant of circumcision I can briefly state:

1. I hold that the covenant of circumcision is an *everlasting* covenant.
2. That it was made with Abraham and his seed alone, and none others.
3. That the token of it is in the flesh of his seed.
4. That it secures to Abraham a numerous natural posterity, and to his posterity the land of Canaan for an everlasting possession and an ultimate nationalization in that land, never more to be pulled up. See Genesis 17—Jeremiah 30, 31, 32 and 33d chapters. Isaiah 11, 12, 24, 26, 27 and 65th chapters. Ezekiel 36, 37, 38 and 39th chapters. Zachariah 8, 12, 13 and 14th chapters. Amos 9th. Read these conclusions: 1. That the covenant is existing to-day. 2. Its token is the

same on the *flesh*. 3. It is with the same people, the Jews. 4. It secures the same blessings—natural increase and nationalization in Palestine.

Cor. *The covenant of circumcision affords no ground for infant baptism*—an irresistible argument.

Is this view either a novel or an "injurious" one?

It is NOT NOVEL. Space does not admit of showing how generally this was the faith of our ancestors until the spiritualistic theory of interpretation obtained, or even how generally it was the faith of the fathers of Baptist literature in the present century.

The name of Spencer H. Cone (who was also a doctor of divinity) is known to all Baptists in Georgia. He held the same views. In a circular letter addressed to the Churches composing the New York Association in 1844, he thus argues the *perpetuity* of the covenant:

"The Jews have unquestionably a *fee simple title* to Palestine against the world; hence it is called in the Bible emphatically THEIR LAND. They inherit it from the father of the faithful, and he received it directly from the Creator and proprietor of the universe. The deed of gift is recorded with the pen of inspiration in Genesis xvii., in these remarkable words: 'I am the Almighty God; walk before me and be thou perfect.' . . . This promise of the unchangeable Jehovah is constantly styled an *unchangeable covenant*; the word which he commanded to a thousand generations, which covenant, in the language of Psalm cv.: 'He made with Abraham, and his oath unto Isaac, and confirmed the same unto Jacob for a law, and Israel for an everlasting covenant, saying, Unto thee will I give the land of Canaan, the lot of your inheritance.'"

The New York Association adopted and printed that letter, and neither Dr. Cone, nor all the ministers of the city of New York, once thought that the view was "injurious." Once more. If the South-Western Publishing House is chargeable with issuing works of an injurious character touching the Abrahamic covenant, then the American Baptist Publication Society in Philadelphia is equally chargeable and should be discontinued. That Society issues "Hinton's History of Baptism." Elder Isaac T. Hinton, a learned man, and well known to Southern Baptists, was the author of that invaluable little work. He says, (see pp. 127, 128,) "The direct object of that covenant (circumcision) is the conveyance to the children of Abraham of the land of Canaan for an everlasting possession, and the institution of the right of circumcision is a sign of acquiescence in the covenant on the part of the Israelites. The position I maintain is, that THE ABRAHAMIC COVENANT HAS NEVER BEEN ABROGATED, and that in fact the seal of the covenant has been punctually fulfilled, on the part of the Jews, to the present day; that, consequently, under that covenant, their title to the land is still valid, and that THE TIME IS RAPIDLY HASTENING WHEN THEIR ACTUAL RE-OCCUPANCY WILL TERMINATE THIS DISPUTE."

Georgia Baptists will see that I am in pretty good company, and that the charge is a very far-sweeping one, and sweeps down this "office," the American Baptist Publication Society, and even the Southern Baptist Publication Society also, since the latter advertise and circulate this book. It is quite as bad to circulate an injurious book, as to print and send it forth. The venerable and learned Frey advocated this view, and I will close this point by saying, that if the weight of scholarly and Baptist authority is not with me, I claim authority, living and dead, sufficient to vindicate the view from the charge of being either novel or "injurious."

The laws of prophetic interpretation adopted by me led me to the adoption of the above view, and if the view is correct, the law of interpretation is correct. The fundamental principle of the law is, NO LANGUAGE IS FIGURATIVE UNLESS IT CONTAINS A FIGURE. The author of the spiritualistic theory, that, alas! prevails too greatly even in this day, could preach seven sermons upon the interjection "O," and find mountains of sense in the very letters of the words of Scripture.

I am willing to present at length a defence against my opponent of the laws of prophetic interpretation "inculcated in this office."

Nor did I ever imagine, until I saw Elder Howell's letter, that I inculcated

either novel or injurious views of the millennium. I assert this, and hold myself ready to prove it, that I hold and inculcate the *same views of the millennium that were generally held* and inculcated by the only denomination entitled to be called Christian, and the only community entitled to be called a Church of Christ from the days of the Pentecost until the nineteenth century. Just so certainly as the holding of the doctrine of the immersion of a believer has been held and inculcated by Baptists generally from the first to the eighteenth century, so certainly have they held and inculcated, as a body, the views of the millennium that are inculcated in this office, or my reading of history has misled me.

My position is, that the second coming of Christ is a personal coming, and will precede the millennium and prepare the way for the reign of truth, righteousness, and peace, and the rest of his saints, by the destruction of Antichrist, and the subjugation of all oppo-ing powers, when the earth will receive her King. I believe that sin, not righteousness, will reign until the second coming, and the righteous—those prepared to receive him, and are looking for his glorious appearing—will be so *few in comparison* with the wicked, that the question of the Saviour will be pertinent, “When the Son of man cometh, will he find faith on the earth?” and that it will be as it was in the days before the flood: wickedness and skepticism insolently triumphant, and the advocates of pure religion oppressed, hated, and persecuted.

I do not presume to know or to inculcate when the second advent will take place, whether in one day or within one or two centuries; but I do think that all the signs of the times indicate its *near approach*; it may be at the door. We believe the gospel must first be preached in all the world for a witness, and we believe that the last sign will be *the return of the outcasts of Jacob to the covenanted land*. My view of the millennium intensifies my missionary zeal, for I would hasten the appearing of my blessed Saviour, and not only pray, but labor for his kingdom to come, when his will will be done on this earth even as it is in heaven.

Those who hold my views are denominated pre-millennialists. Those holding Elder Howell's views, post-millennialists. The true Churches of Christ have generally held the pre-millennial doctrine. I could fill a page with the names of the earliest Christian fathers and mothers who believed this doctrine. Barnabas, A. D. 71; Clement, A. D. 96; Hermas, about 100; Ignatius, A. D. 100; Polycarp, the associate of John the Revelator, A. D. 108; Papias, A. D. 116, who had conversed with Andrew and Peter, and other disciples of the Lord, who records the explanation of the millennium he had received from the apostles, that Christ would reign bodily and establish his kingdom visibly on this earth. Eusebius affirms that “most of the ecclesiastical writers believed with Papias.” Justin Martyr, A. D. 150, who is so well known, and whose testimony is so much relied on by Baptists to sustain immersion, in the second century held the very views pronounced “injurious” by Elder Howell; and more: Justin says that all orthodox Christians in the second century agreed with him. I will quote a few sentences:

He speaks of those as “destitute of just reason who did not understand that which is clear from all the Scriptures—that two comings of Christ are announced,” i. e., of the same character—*literal and visible*.

He argues that the millennium would be beyond the resurrection, and in the restitution of all things, quoting Isaiah lxx.

He calls all who reject this doctrine atheists and injurious heretics. He says: “But I, and whatsoever Christians *are orthodox* in all things, do know that there will be a resurrection of the flesh, and a thousand years in the city of Jerusalem, built, adorned, and enlarged according to the prophets.”

“Moreover, a certain man among us, whose name is John, being one of the twelve apostles of Christ, in that revelation shown to him, prophesied that those who believed in Christ should live one thousand years in the city of Jerusalem; and after that there would be a general and, in a word, a universal resurrection of every individual person, when all should arise together with an everlasting state and a future judgment.”

Justin also taught as I do, that the Abrahamic promise of land would be fulfilled.

Irenæus, A. D. 178, wrote largely upon this subject, and advocated what was considered the orthodox doctrine by all true Christians in his day.

Tertullian, A. D. 200, advocated the same views of baptism and the millennium that I have ever advocated. So did Cyprian, A. D. 120, and Methodius, A. D. 260.

This doctrine was expressly affirmed by the Council of Nice, A. D. 335.

That I have correctly represented the faith of the earliest and purest Christians, I refer to the testimony of Lardner, Chillingworth, Mosheim, Neander, and Gibbon. The American Encyclopedia says: "This faith (pre-millennialism) the Christian teachers of the first centuries were unanimous in adopting and promulgating." Gieseler says, of the first centuries, "Millennialism became the general belief of the time."

Kitto says, "The millennial doctrine may be regarded as generally prevalent in the second century." Bishop Newton says: "The doctrine of the millennium was generally believed in the three first and purest ages." Mede says: "This was the opinion of the whole orthodox Christian Church in the age immediately following St. John." Maitland says: "As far as I know, no one, except such as were notoriously out of the pale of the Church, had impugned the doctrine of the millennium as held by Justin, or taught contrary to it."

Though I could fill another page with proofs, I will come down to A. D. 1660, and quote one or two paragraphs from the twenty-second article of that confession of faith presented by the Baptists of England to Charles II., and "approved by more than twenty thousand," to show that the "injurious" views I hold were once held by the Baptists of England.

"Concerning the kingdom and reign of our Lord Jesus Christ, as we do believe that he is now in heaven at the Father's right hand, so we do believe that at the time appointed of the Father, he shall come again in power and great glory, and that at, or after, his coming the second time, he will not only raise the dead, and judge and restore the world, but will also take to himself his kingdom, and will, according to the Scriptures, reign on the throne of his father David in Mount Zion, in Jerusalem, for ever.

"We believe that the New Jerusalem that shall come down from God out of heaven, when the tabernacle of God shall be with them, and he will dwell among them, will be the metropolitan city of this kingdom, and will be the glorious place of residence of both Christ and his saints for ever, and will be so situated as that the kingly palace will be on Mount Zion, the holy hill of David, where his throne was."

It is certain that the Baptists for more than seventeen hundred years never dreamed that they held "injurious" views touching the millennium. I can but think the charge of Elder H. a *hasty*, as it certainly is a *rash* one. I am more than willing for any allegorist to challenge my statements, that I may have an excuse to show to the Baptists of this day *who have been* and *who are* holding the "injurious doctrine inculcated in that office." I wish to show the faith of Wickliffe, Tyndale, of Milton, Charnock, Rutherford, and Alleine, and even the most of those distinguished divines who composed the Westminster Assembly, of Bunyan, and the regret of Robert Hall, on his deathbed, that he had not preached out his views; of both the Matthews, and Sir Isaac Newton, and Lowth, and a long, long list of other "clear and venerable names."

I must leave the defence of our publications here, and I refer all who wish to examine these matters for themselves, as good and true Baptists should, to a list of books advertised in another column.

Let us not repudiate the faith of our fathers without the most careful and prayerful examination of it by God's Word.

J. R. GRAVES.

My views touching the covenant of circumcision, the return of the Jews, and the millennium, are briefly set forth in the above letter. They are the views of all Baptists in the purest ages of Christianity. I am not ashamed of them in this age of spiritual pride and spiritual mystifi-

cation. Let me but stand upon ground consecrated by the blood of our martyred fathers—the witnesses of Jesus—and I can stand upon it, though I stand alone. I meet the charge of holding and teaching a *heretical* and pernicious system of biblical interpretation, made by *Dr. Howell*, by the authority of a far greater name, more distinguished by position, more for scholarship, and especially for *modesty*—*R. Ryland, D. D., President of the Richmond College, Va.*, a Baptist minister also. He has recently issued a work advocating the same principles of biblical interpretation, and precisely the same views of the millennium, views that are obtaining among all biblical students of this day. Will Elder H. charge President Ryland with millennialism or Thomasism? If I am justly chargeable with those views, so is President Ryland.\*

Elder H.'s charge against Elder D. and his Question Book is, to my knowledge, as groundless as those against me. Elder H. may injure the sale of a few dozen of Brother D.'s Question Books, which, I suppose, he aimed to do; but beyond that his charge will only injure himself.

Having followed the prosecutor thus far, with him I now return to the count and specifications.

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#### PROSECUTION.

I proceed to notice the specifications under the present count.

##### SPECIFICATION I.

In the Tennessee Baptist, No. 23, dated February 13th, 1858, Mr. Graves says: "The *opposition*, led by Brethren Howell and Hillsman, burst forth in *all its fury* when the committee made their report" nominating the Board. "A *most gross and shocking attack* was made [by Brother Howell] upon *the men, or some of the men* nominated, because of their opinions with regard to some matters of Baptist policy." [Landmarkism.] "No one, we presume, will question the competency of A. C. Dayton to discharge the duties of the Presidency of the Union." "To Brother Sharpe we suppose no man in Georgia or out of it has yet objected, as Corresponding Secretary." "Brother S. C. Rogers, the *accountant of the South-Western Publishing House*, was recommended for Treasurer, because *it was necessary for some member of that house to fill this office*, if the Board was located in Nashville, since money would be constantly remitted for books in the *letters sent to the house*, ordering other publications." "H. G. Seovel, the *chairman of the Board*, [of Managers,] is a man of large means, an intelligent, *practical business man, deacon of the First Baptist Church*, and has been for years the Superintendent of its Sunday-school, and a prompt and efficient Board-man. Who better qualified than he for the position of Chairman of the Board? A. B. Shankland has been for twelve or fifteen years a *deacon of the First Church*, and a teacher in its Sunday-school, and for seven years a dealer in Baptist books. A. Nelson, *deacon of the Church*, and from boyhood until now either scholar or teacher in the Sunday-school, and for some years connected with a Baptist book-store. E. F. P. Pool, late of Virginia, for many years a teacher or superintendent in a Sunday-school. Wm. F. Murfree, a brother of liberal education and fine cultivation, having years' experience as a Sunday-school teacher. A. C. Beech, *deacon of First Church*, and teacher in its Sabbath-school. S. Fish, for years a Sunday-school teacher and the efficient Superintendent of the Sabbath-school at Mur-

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\* Let the reader, if he wishes to examine the doctrine of the primitive Baptists, procure "Voice of the Church;" "Laws of Figurative Language," by Lord; "Prophetic Symbols;" "Our Lord's Great Prophecy Harmonized;" "The Coming and Reign of Christ;" "Notes on Revelation," by Orchard.

freesboro." The above are *the names of the Board* nominated by the committee, and if our life depended upon selecting a better Board *in the First Church of Nashville*, to decide the proper character of Sunday-school books, we could not do it. They would make a better Board for this purpose than would the SENATE or any FOUR MEMBERS OF THE SENATE OF THE UNITED STATES, or of the PARLIAMENT OF ENGLAND. We would prefer them to any SEVEN of the most learned men in the *United States*, be they D. D.'s or LL. D.'s. These men were trained from earliest childhood in Sunday-schools, and ever since early manhood been teachers or Superintendents in the Sunday-schools. To question their ABILITY is to offer them THE GROSSEST INSULT, because it would be to *deny them* the possession of *natural capacity and common intelligence*; for they have had, during a long series of years, the very education and training to fit them for the work of deciding the character of books best suited to children and youth."

I solicit attention, Brother Moderator, to several things in these extracts evincive of the truth of the charge now preferred against Mr. Graves.

1. He declares that I assaulted these brethren—catalogues of whom he gives several times—*FURIOUSLY*; that I made upon them a "*most gross and shocking attack*." Mr. Graves names *four* men. By looking further on, we find whom he designates by these "*four*" men. They are *four deacons* of this Church, Scovel, Shankland, Nelson and Beech; and then *he names seven*, of whom six only are members of this Church, the above and two others. Why does Mr. Graves so earnestly persuade these brethren, and reiterate it in his newspaper week after week, that I have *assailed them furiously*? Why does he fill his columns with the declaration that I have made upon THEM a "*most gross and shocking attack*?" Why does he *insist upon it* so frequently that I have offered them the "*THE GROSSEST INSULT*?" I say nothing now of the fact that all this is utterly false. I shall have occasion for that fact hereafter. What could be his design but to set these brethren at variance with their pastor?

2. Mr. Graves becomes the voluntary champion and defender of these brethren against the alleged attacks of their pastor! He declares that I have assailed them *furiously*; that I have made upon them a "*most gross and shocking attack*;" and that I, as he alleges, have offered them "*THE GROSSEST INSULT*!" He is their defender! He tells them it is his duty; yes, he will defend them! And his defence of them, how delicate it is, I need not remind you. They are all excellent, intelligent, well-educated, and some of them classically educated brethren. In their several departments no men in this city stand higher than they do. BUT HE pronounces the *four*, my deacons, as he pleased to call them, superior for his purpose to any four members of the *Senate of the United States*, or of the *Parliament of England*; and that the *seven* (that he supposed to be members of this Church, but was mistaken, only six being members) *vastly excel* any seven D.D.'s or LL.D.'s known to him! In this fulsome style *he defends these brethren* against *alleged assaults of their pastor*! Did he wish them to love or even to respect their pastor? Was he not seeking, and that, too, by falsehood and detraction on the one hand, and the most offensive and fulsome flattery on the other, to set them against their pastor?

3. Mr. Graves affirms that I made upon that proposed Board this *furiously* onset, this "*gross and shocking attack*;" offered them this "*gross insult*;" because of their *Landmarkism*, which he denominates "*their opinions on some matters of Baptist policy*;" and that too with my written and published declaration before his eyes, in the letter which he pretends to answer, that *I was not influenced* by that consideration. He did this under the mistaken impression, doubtless, that nearly all of those members were, in his sense, Landmarkers. In this appeal, as in several others, he overreached himself; but it is not on that account the less apparent that it was his design to put the officers of this Church in conflict with its pastor. And what could he gain by putting Brethren Scovel, Shankland, Nelson, Beech, Murfree, and Pool, even if he had succeeded in doing so, as to all of them, at variance with their pastor? What else could he gain but confusion and division in the Church, and perhaps its entire overthrow? *His schismatical purpose is not to be mistaken.*

## SPECIFICATION SECOND.

In the Tennessee Baptist, No. 24, dated February 20, 1858, Mr. Graves says: "Brother Howell's attack upon the Board" was "such an attack upon men and brethren before the Convention, and in their presence, [as] is without a precedent in our knowledge. It shocked the feelings of every Baptist present who heard it, or heard of it, save those three or four who were enlisted to defeat the Union. That Brother Howell should lead such an attack, was as astonishing as it was painful to all who loved him. We notice this feature of the opposition to the Union with regret seldom felt by us, but as we were the chairman of the committee that nominated those brethren, instrumental in exposing them without their knowledge to such shafts, by commending them as every way qualified and suitable to decide upon the proper character of Sunday-school books, we feel in duty bound to DEFEND THEM."

Referring here to my high commendation of these very brethren, in my Index letter, Mr. Graves goes on to say—well knowing that *I had made no charge against them*:

"What, then, can be the charge against these men? If they possess the requisite piety, morality, and *intellectuality*, what do they lack? If they are not heretical in doctrine, and possessed of the above rare qualifications, what better Board is needed? In what respect are they so sadly, so fatally disqualified, that *no body of men like them* would be accepted by Brother Howell, to purvey theology for his children? In what light can we place them, admitting them so qualified, as to conclude, with Brother Howell, that they are wholly incompetent to discharge the duties assigned to that Board? We searched in vain to find it in the letter, and then tried in vain to *imagine* it. We knew it could not be their *business qualifications*, for they are well known in this city to be among our *most reliable business men*—men who have been the architects of their own fortunes—men long used to *manage discreetly large amounts of money*, from fifty thousand to hundreds of thousands annually. Here we recurred in our mind to Brother Howell's speech in the Convention, in which he gave his reasons for opposing the Board—that it seemed to point to the *pecuniary interests of private individual enterprise*." "What circumstances excited suspicion but the bare fact that such men were nominated? What is the force of Brother Howell's significant—we had almost written sneering—expression in his letter, 'Then why create a Board here, and especially such a Board?' etc. We ask Brother Howell, with all due respect and courtesy, what he means by emphasizing the word *such*? Does he mean that these *four deacons* of HIS OWN CHURCH, as well as the *three other brethren* nominated, are so IGNORANT, or UNPRINCIPLED, as to *unfit them* for the work? If not, why say, *derisively*, 'And especially such a Board?' We think an explanation is due the committee, and due these brethren. *It would be DEMANDED FROM ANOTHER MAN, we are confident.*"

This specification, it will be seen, Brother Moderator, is in the same spirit, and goes over much of the same ground with the former one under this charge. Mr. Graves reiterates. I too must, therefore, reiterate. I invite attention to the following points:

1. Why does he say that I made an attack upon men and brethren without precedent? Without precedent for what? He had said in a previous paper that it was characterized by *fury*; that it was *gross and shocking*; and several times, that it was the *grossest insult*. Did he not seek to make the impression that I had so conducted myself toward these "men and brethren" as to have completely forfeited not only their *confidence*, but even their *respect*; and that they ought to look upon me with *aversion*, as the *trader* of their character as men and Christians?

2. Why does he, then, designate the men by name, upon whom, as he says, this *furios, gross, and shocking insult* was perpetrated, in their presence, and in the presence of the Convention, as *four of the deacons and two other members of my own Church*, if he does not wish to bring them *into collision* with me? Why does

he leave his own and Mr. Dayton's name out, and place *my deacons up as a mark for the "shaft" directed against the very persons whose names he omitted?*

3. Why does he intimate that I regard these *four deacons and two other members* of my own Church as too ignorant or too unprincipled to be trusted with such a work as the creation of books for Sunday-schools? Was he desirous that they should respect their pastor? Was it not his purpose to bring them *into collision* with me?

4. Why does Mr. Graves dwell upon all this foul creation of his own, endeavor to persuade *these members of this Church* that it is true, and *remind them that from any other man BUT ME, AN ACCOUNT OF IT would certainly be demanded?* Why *this inflammatory appeal to these brethren?* Was it not to *put them at variance with their pastor?* And why *bring them into collision with their pastor?* What is to be the result of a war between the pastor and *four deacons and two other leading members of the Church?* What else can result to the Church but injury, division, and overthrow? Was he not laboring with all his might to "cause" among you "divisions and offences, contrary to the doctrine" of Christ?

#### SPECIFICATION THIRD.

In the Tennessee Baptist, No. 24, dated Feb. 20, 1858, Mr. Graves says:

"What a CRUEL SUSPICION—ay, what a GROSS INSULT—is offered to the men whose names were nominated for that Board!" "Here are the names nominated for a Board by that committee: H. G. Scovel, A. B. Shankland, A. Nelson, A. C. Beech, E. F. P. Pool, Wm. Murfree, S. Fish." "We affirm that these men are *above suspicion* in the respect intimated. They are not the men who can be *corrupted by bribe or by favor*. They are not the men—not a man of them—who could be influenced, by *any means*, to violate the confidence of the denomination, or to prostitute any trust confided in them, to promote the pecuniary interests of individuals at the expense of the best interests of the denomination. No *grosser insult* could have been intimated than to suppose they could be used in this way."

In another place in the same number of his paper, Mr. Graves goes on to say:

"Who are the men nominated for a Board, that Brother Howell is so unwilling to purvey theology for his children, or *any other like them?* FOUR OF THEM ARE THE MOST EFFICIENT DEACONS OF THE FIRST CHURCH: H. G. Scovel, A. B. Shankland, A. Nelson, A. C. Beech. They are pious, intelligent, energetic, business men. The first-named brother has, for many years, been the Superintendent of the Sunday-school, and all, or nearly all of them, experienced teachers in the Sunday-school. Brother Howell should withdraw his children, and advise all other parents to withdraw their children from the instruction of such men, if they are unsafe purveyors of *religious instruction* to any man's children. If they are *either unsafe* to be trusted, wholly *incompetent to decide* upon what should be taught to children in Sunday-school books, they are even *more unsafe* and incompetent to *teach children directly* in the Sunday-school. We again say of these men, *against any man's denial*, that six better qualified men, either to MANAGE THE FINANCES of the Union, or to *purvey theology* for any man's children, or to decide upon the books suitable for children, could not be selected in this city, or any city in the South. We would prefer them to any SEVEN of the most learned men in the United States known to us, be they D. Ds. or LL. Ds. These men were trained from earliest childhood in Sunday-schools, and ever since early manhood been teachers or superintendents in Sunday-schools. To *question their ability* is to offer them THE GROSSEST INSULT; because it would be to deny them the possession of natural capacity and common intelligence."

Brother Moderator, I ask attention, in these extracts, to the following points which embody the evidence of Mr. Graves' guilt:

1. He affirms again and again, that I have cast upon four of the deacons, and some other members of the Church of which I am pastor, "A CRUEL SUSPICION;" and that I have offered them "THE GROSSEST INSULT."

2. He affirms that I have intimated that these members may be "BRIBED," and are NOT WORTHY of "the confidence of the denomination."

8. He, in substance, declares that I have pronounced them *wanting in natural capacity and common intelligence.*"

But why all this, even had it been true, repeated again and again, and pertinaciously urged in the public prints, *jeering them*, meantime, with the declaration that *any other man but me* would certainly be called to answer for it? Who does not see that he labored earnestly to bring them into collision with their pastor? But why bring them into collision with him? He could have had no other purpose but to distract, *divide*, and, if possible, *overthrow or destroy the First Baptist Church, of which we are all members.*

I need not again state that every one of these allegations by Mr. Graves is false. I never attacked these brethren at all. I did not in my speech in the Convention. I did not in my letter to the Index. I have, however, every reason to be assured that *in placing himself*, as he substantially did, at the head of that Board, he sought to have *their names* as a bulwark upon which he might stand before the denunciation, and behind which he might shelter himself *against* any attacks made upon his own teachings. It seems that for the present, at least, he was foiled in these purposes. He then, in his vengeful wrath, took these methods of diverting public attention from the *true issue*, and to bring reproach and injury upon *me* and upon *this Church.* He declares in his paper, and repeats it, week after week, that I had furiously assaulted these brethren; that I had perpetrated upon them a most gross and shocking attack; that I had offered them the grossest insult; that my onset upon them was unprecedented in all these respects; that I pronounced them too ignorant or too unprincipled to be trusted with the work of making Sunday-school books; that I have cast upon them "a cruel suspicion;" that I have intimated that they may be "bribed;" and that they are wanting in "natural capacity and common intelligence;" and he calls upon all the thousands of Churches in the South and South-west, who never before heard of them, to meet, legislate regarding them, and vote them incompetent; and Mr. Graves himself sets up for them an earnest defence against alleged attacks of their pastor, which attacks in reality never existed. The man who should, in a public newspaper, volunteer to defend *my wife and children*, that I have ever loved and tenderly cherished, declaring that I had insulted and abused them, and pronouncing them, "against any man's denial," and especially against *my* denial, superior to any other man's wife and children in America, or in England, I should at once know that he intended, if he possibly could, to render me odious in their sight, and to divide and destroy us as a family.

And what sort of chastisement ought such an intermeddler to receive? In such a work, and no less nefarious and wicked, is Mr. Graves now engaged. His purpose was, undoubtedly, if possible, to *divide*, overthrow and destroy the First Baptist Church in Nashville.

If, however, any doubts of his guilt existed before, the events of last Tuesday night swept them all away. After your adjournment, and at the midnight hour, he called upon his partisans, and aided by certain men from abroad, brought here for the purpose, actually, and in your own place of worship, when you had retired, consummated the *identical division which he had so long, by the means set forth in the specifications now before you, endeavored to accomplish.* By appeals of his own and of some others, he succeeded in leading out of this Church, on that occasion, some twenty-five of your number! Some few of you beheld that scene upon which angels must have looked with sorrow. *The schism denounced by the word of God was boldly consummated by J. R. Graves.*

Is he guilty of grossly immoral and unchristian conduct, as charged in this count of the indictment? Alas, it is but too true. He is guilty. Painful as it is to us all, guided by the word of God, we are forced to the conclusion *that HE IS GUILTY.*

Mr. Fuller remarked, that it seemed the programme of Tuesday night was to be persisted in, and that no defence on the part of Elder Graves is to be made. The case is perfectly plain that Elder Graves is guilty, as charged, and he moved that the charge be sustained, and that the vote of the Church be now taken upon his motion.

The charge was then read.

The Moderator. You have heard the charge and the testimony introduced to sustain it. All who believe that the charge against Elder Graves has been sustained by the testimony, will rise.

Upon a count it was ascertained that there were seventy-nine members standing.

The Moderator. All who believe that the charge has not been sustained by the testimony will rise.

No one rose.

The Moderator declared that the Church had decided by a unanimous vote that the charge was sustained.

Dr. Howell moved that a committee be appointed whose duty it should be to confer with those brethren who held a meeting in this church Tuesday night after the adjournment of the regular Church meeting, in order to ascertain the purpose they have in view.

The motion was adopted.

Dr. Howell then moved that the Moderator be constituted chairman of that committee, which shall be composed of three, and that he appoint two others.

The motion was adopted, and the Moderator appointed S. M. Scott and A. Nelson said committee.

The Church meeting then adjourned, with prayer by Dr. Howell, to meet Monday night, at 7 o'clock.

#### DEFENCE.

1. Thus was prosecuted by Elder H. the second charge. You have seen that he drew his specifications to sustain his second charge from my articles written to defend the Board and myself against his Index letter.

Out of respect to you, I shall not follow Elder H. for the second time over that letter. You see how desperately he labors, and what feints and expedients he uses to relieve himself of the plain import and significance of his language; but all in vain. There stand his words, and there they will stand for ever. What if two or three of those men see fit to swallow Elder H.'s language as appropriate? Their wives and children in the ages to come will burn when they read them, and be ashamed of the spirit of their fathers.

What is Elder H.'s only subterfuge? Why, that by the Sabbath-school Board, he did not mean his *deacons*; O no; nor the *lay members*; certainly not; but J. R. Graves and A. C. Dayton, whose theology was so grossly heretical! Why so? Because laymen knew little about theology, and whatever these two ministers said was sound, of course these good intelligent brethren would think was just right—and thus the Sabbath-school literature would be polluted by these two men! This is substantially his plea; and what is strange—if any thing can be considered so in Elder H.'s course and expedients to secure my conviction—my guilt accrues chiefly because I would not admit that myself and Elder Dayton virtually constituted that Board, (though we were the only members of it *ex-officio*,) and take his assault accordingly all to ourselves, and excuse the seven laymen who constituted the Board proper, as mere *ciphers*—mere *ninnies*! Brethren, hear what I say, and judge the reasonableness of it. If Elder H. actually meant, when he made his speech in the Sabbath-school Convention, and when he wrote his letter in the Index, that Elder D. and myself constituted the Board, and that

he meant us and us *alone*, and not the seven brethren, when he said "*any such Board*," when he said, "I say in the kindest terms, this particular proposed Board, excellent as may be the personal and Christian character of its members, is, in my judgment, wholly incompetent to the task it is contemplated to assign it," THEN WHY DID HE NOT SAY SO? *Had he said so, this charge would never, could never have been preferred.* Whose fault is it, brethren—Elder H.'s or mine—that I understood him to refer to these *seven brethren* as well as Elder Dayton and myself, when he spoke of the excellent personal and Christian character of the members of the Board, as to them also when he repudiated them as being utterly incompetent? Was not his language calculated to mislead me if he did mean Elder D. and myself only, when he referred to the Board? You, brethren, are my judges in this, and it is for you to decide if it was not Elder H.'s duty, if he was not morally bound to correct me promptly, and have corrected the editors of those papers in the South, when he saw that we all mistook his meaning and misapplied his language. Why did he permit himself to be so misconstrued and his excellent members injured, and not explain himself?

2. The gist of the count and the burden of his *assertions* (for proof has not been presented) are that it was my intention to distract and divide the Church by means of a conflict between its pastor and some of his members. I have a character of evidence that in the courts of our country would go far in establishing my innocence. There are before you two of my associates, Pendleton and Dayton, brethren and fellows, to whom for years past I have breathed my very thoughts; call them to the stand and ask them if I ever breathed such a thought to them; and ask them if the unity and harmony of the Church as well as of the denomination has not been the desire of my heart. Ask my partners in business. Ask my mother; ask my sister and my wife—my own family, if a whisper ever passed my lips. It is false, utterly false, that I ever sought to divide or to distract the Church. I have suffered long years of personal injury and wrong to *prevent it*. But suppose it was true; has not Elder H., in the letter sent to the Church in Murfreesboro, also to that at Bradley's Creek, and those in Ripley, Miss., attempted to alienate the members there from their pastors? Will he say he had nothing to do with that letter, as he says he has not had to do with the bringing in or conducting this prosecution? I presume not. Will he say he did not approve of that letter? Who believes that his obsequious members would send a letter *he* did not approve? You cannot doubt that Elder H. has deliberately attempted to do the very thing he has *charged* me with doing in this second count of the indictment, but failed to prove. I did what I was prompted by every principle of honor and Christianity to do; and did it to *the very best of my ability*, with the intent to force Elder H. to explain or withdraw his unjust charges against me and against those brethren. With this defence I submit, without a fear, the question of my guilt or innocence to your decision and to the decision of the Church and of the world at large, after both verdicts shall have been rendered.

## THIRD CHARGE.

The third charge and specifications were read, after which Elder Graves proceeded to review the prosecution as before.

## PROSECUTION.

## THIRD COUNT.

MONDAY EVENING, October 15, 1858.

Met pursuant to adjournment.

The proceedings were opened by reading a portion of Scripture by the Moderator, and prayer by Dr. Howell.

The reading of the minutes was dispensed with.

The Moderator announced that the third count in the charge against Elder J. R. Graves would now be taken up.

Mr. Fuller read the count as follows:

*Thirdly*, in that he has uttered and published in his said paper against R. B. C. Howell, the pastor of this Church, sundry foul and atrocious libels.

Mr. Fuller stated that the proof to sustain this charge is to be found in various numbers of the Tennessee Baptist, which he read as follows:

"What! Brother Howell duped—made use of—made a passive instrument by some one he had not so much as consulted with, to advise and urge, in 'a steam speech,' a Baptist Association to do something he himself did not understand, or, if he did, heartily disapproved and abhorred! Is it probable? Is it even supposable?" "He knew Dayton and Graves did not conceal the fact that they expected the Convention would become permanent, and furnish *Sunday-school books*, for not a word is said about it except in connection with this object. This is made the basis of the appeal for a convention, 'Sunday-school Libraries.'" "But the constitution originates 'another Southern Baptist Publication Society,' says Brother Howell. We answered this in the Convention to the satisfaction of all present, we think. We do not think this was Brother Howell's idea at first, when he called the Convention."

Tennessee Baptist, No. 26, March 6th, 1858: "What great or good enterprise was ever inaugurated without discussion? Not one. What great and glorious enterprise but was sought to be slain at its birth by some Herod? Not one."

"Let brethren remember that no great and good work has ever been accomplished without strife. And it has often happened that the *very men* who should, of all others, have made peace, are those who stirred up the strife. As in our Saviour's time, the Rabbies stirred up the people to resist and destroy what he proposed, and claimed to do it by the will of God. As in the days of the apostles, the chief priests and scribes, and great men of Israel, verily thought they did God service in opposing the disciples. So it has often happened since. Our titled and leading men have often been found in the ranks of the opposition to the *best and noblest* efforts for the advancement of the cause of truth. *Why* this is so we need not now stop to inquire."

"The apostles themselves were accused of 'turning the world upside down.' And their efforts for the cause of truth were more than once the occasion of a much greater disturbance generally than has been raised by our efforts or Brother Dayton's in the cause of the Sunday-schools. Let not those who shout, 'Great is Diana of the Ephesians,' accuse us of raising the mob. Who is it that has stirred up this strife? Who made the attack? Who has said the unkind words? Who has attacked personal character? Who has published to the world that the Board nominated are men wholly incompetent to the task proposed to assign it? Who has suggested base and mercenary motives? Who?"

Tennessee Baptist, No. 23, February 13, 1858.

"Nothing occurred during the Convention so deeply to be deplored as Brother Howell's remarks on what he said *seemed* to point to the pecuniary private interest of individuals. True, he said, *he* made no such charge as that brethren were influenced by pecuniary considerations, but that *others* would think so, the inference would be drawn; he did not draw it, but it would be drawn, etc."

Tennessee Baptist, No. 23, February 13, 1858.

"He [A. C. Dayton] has done too much good to be let alone. He is enjoying too much of the love and attracting too much of the attention of Baptists, not to be compelled to suffer the penalty that superiority or great usefulness is ever doomed to pay."

Tennessee Baptist, No. 26, March 6, 1858.

"The ostensible leader of the Anti-Landmark Baptists in this State, while Brother Howell was still in Virginia, was publishing a magazine in this city called the Parlor Visitor. When he could not meet by arguments the reasoning of those whom he opposed, he did not scruple to attempt, by dark insinuations, to impugn their motives and blacken their character."

Tennessee Baptist, No. 24, February 20, 1858.

"He [Howell] doubtless knew that such a paragraph as this had been published by a member of the Bible Board. Surely Brother H. nor any man can think it strange that Brother D. should feel sensitive to see such an insinuation reproduced by the President of the Bible Board."

[When Mr. Fuller came to the extract containing the letter from W. H. Holcombe, he remarked: It is a well-known principle in law that an editor is responsible for what his correspondents may say; and the courts have so decided.]

Tennessee Baptist, No. 25, February 27, 1858.

Mr. Holcombe says: "I am tempted to say some severe things to Brother Howell. For our own brethren to assail each other, and some of our *time-honored principles*, is indeed strange and very mortifying to me."

"It is the province of Dr. H. to teach his brethren the doctrines of the Bible; surely they will not remain in ignorance much longer."

"If, after all, the whole ground of charge is that Brother Graves, as editor, and his publishing house is destined to become more popular than the Southern Publication Society at Charleston, should our brethren complain? If the *Tennessee Baptist* is the most able and popular Baptist paper South, what of that?"

Tennessee Baptist, No. 29, March 27, 1858.

Mr. Baldwin says: "As to the Sunday-school Union, we are in favor of its organization, and regard the attacks made upon it by some of our milk-and-water Baptists as an attack on men for their Landmark principles more than any thing else."

Tennessee Baptist, No. 30, April 3, 1858.

Mr. Hardwick says: "I am astonished that men heretofore noted for piety and Christian courtesy should treat Baptists as you and some of your friends have been treated."

"Let the work of proscription go on. It cannot last long."

"At no distant day you will hear from them, and others will learn by bitter experience that opposition to truth is not always profitable."

"Men in the West are trying to counteract your influence, and if not, to destroy or curtail your business."

Mr. Graves says: "If the course of some brethren injure them, it is not our fault. We sought to prevent it."

Tennessee Baptist, No. 31, April 10, 1858.

W. H. Barksdale: "I abominate that pusillanimous spirit which crouches before clearly perceived wrongs, and will permit innocence to be suspected, and well-earned reputation traduced, merely because the name of some popular and influential one is in some way connected with the slanderous rumor. Now, sir, at the risk of my 'good name,' I will here breast the storm in the defence of the slandered Pendleton, the traduced Dayton, and the caricatured Graves."

"Did either of them accuse Dr. Howell of *preaching for money*? Did either of them say that Dr. Howell could not so much as read the word religion on account of an *intervening guinea*? Although he would not go to a single Association, however important, unless the brethren would first pledge him pecuniary aid." "Every one present, however poor, promised to try to attend some two or three of these meetings, save one brother, and that brother was Dr. Howell, whose *guinea* seemed quite suggestive! For, if I remember correctly, he invariably

answered, whenever in the affirmative, by saying, '*Dr. Howell will go if Dr. Howell's expenses are paid.*' Now, when those whose salaries were quite insignificant when compared to his, and whose expenses were equally as great, were willing to go at their own expense, for the privilege of sitting together with their brethren in 'heavenly places in Christ Jesus,' and yet Dr. Howell would not so much as go to a single one, without prefacing his promise with the condition of pecuniary aid, I could not for my life keep his 'gourd handle' out of my brain. And yet who, until Brother Howell and others sought to 'crush out' and choke down certain men and their enterprises, would have ever thought how beautifully his anecdotes all might be illustrated nearer home."

Graves: "Read the article of Elder Barksdale. Brother Barksdale was a member of the committee to draught a constitution—an Anti-Landmark man—not ultra—and the warm personal friend of Brother Howell. He speaks what he does know, and testifies of what he has seen, and his testimony will have great weight."

Same paper. (J. J. Martin.) "I have been surprised, and so have many others, at the course taken by certain individuals, some of whom are titled and famous for the discovery of 'gourd handles,' in so furiously attacking old Landmarkers, for the war is against men instead of measures. But go on, my brother, you are in the right, and true Baptists will stand up to you."

Tennessee Baptist, No. 32, April 17, 1858. (Jones.) "The strange, and, I must say, unchristian production of Dr. Howell has distressed and mortified me deeply. What good could he expect to grow out of such a production? All good Baptists will be mortified at it. And has it come to this, that Dr. Howell is seeking popularity from the Pedoes, by striking down his friends, who are laboring for the advancement of truth?"

(T. H. Thurman.) "I have read with sorrow of the course pursued by Brother Howell and others relative to the action of the Southern Sabbath-School Union. I had not expected that Elder Howell would have occupied a position so suicidal to the interests of our Churches and children."

The testimony to sustain the third charge having been read, the Moderator inquired if there was any rebutting testimony to be offered.

None having been offered, the Moderator announced that the case was open for any remarks that may be submitted by the prosecution or defence.

#### DEFENCE.

1. I have a few remarks to make touching these specifications. By reference to the count, you see I am charged with having uttered and published in my paper, against R. B. C. Howell, "sundry foul and atrocious libels." The prosecution claimed on the night of the 12th of October that I had been furnished with the specifications. I appeal to you, brethren, if you ever heard, read, or saw any thing like these before.

I submit to the Council the charges, with what they contend were the specifications by which they were sustained. Will you compare them with those read by Mr. Fuller prior to Elder Howell's speech, and decide if they are one and the same. It is true I was furnished with references to certain numbers of the Tennessee Baptist; but could I, from a bare reference to the papers, imagine what articles, or what paragraphs in articles, or what sentences in the paragraphs would be claimed by the prosecution as libellous? Had I consented to the trial, would I have known the articles, paragraphs, or sentences alleged to be libellous until they were read out the moment before I was called to make my defence? Were not the laws of the civilized world, as well as those of God, violated

in my arraignment? Does not the civil law require that the very sentences and words claimed to be libellous shall be inserted in the indictment? But Elder Howell did not so much as indicate the article in the paper that I would be called upon to justify. The annals of the Inquisition can only furnish parallels to such an outrage. Decide here, if I was furnished the specifications claimed to support the third charge.

2. I will give a specimen of how the language of the author has been quoted to make up these specifications. I will examine the first, which is sufficient for all purposes. It purports to be one paragraph, or at least properly taken from one and the same paragraph, in my article of Feb. 20, reviewing Elder Howell's Index letter; but instead of this, it is composed of three—garbled out of *three* paragraphs—far removed from each other. This is bad, but the least culpable feature in it.

3. The sense of my language is changed by the repeatedly-exposed policy of changing the punctuation, and the omission of parts of sentences necessary to convey the original sense.

Proof. Take this sentence: "He knew Dayton and Graves did not conceal the fact that they expected the Convention would become permanent," etc. Now mark how this sentence stands in its original connection. Thus:

"Either he [Elder Howell] had seen that paper or he had not; if he had not, then it did nothing toward 'duping' him; if he *had*, then he knew that Dayton and Graves did not conceal the fact," etc. Is not such a revelation of deliberate and studied misrepresentation—forgery—for I said not what Elder Howell attributes to me—astonishing? humiliating? I protest, in the face of Elder Howell's deliberate assertion, that I did not say he knew Dayton and Graves did not conceal the fact, etc. He knew I did not; he knew he put that assertion into my mouth, which he pronounces, and which he influenced his party to pronounce, a foul and atrocious libel! Brethren, I am forced by self-protection to make this exposure of the guilt of my prosecutor. But this is not all: look again, and credit your senses if you can.

4. The last sentence of the specification is also garbled so as not to convey my meaning. I expressed myself thus:

"But the constitution originates 'another Southern Baptist Publication Society,' says Brother Howell. We answered this in the Convention, to the satisfaction of all present, we think. We do not think this was Brother Howell's idea at first, when he called the Convention, and we do not think it was any other man's."

You perceive that Elder Howell has placed a period after convention, when there is a comma only. Closing the sentence there, and cutting off the balance of the sentence and stultifying the sense, and making me contradict myself! I have not so much as examined the other specifications; I submit the original articles for your inspection, if you see fit to examine them, nor shall I attempt to characterize as it deserves this criminal policy that I have so repeatedly exposed. It is the work of the same adroit hand—one who understands the use of punctuation-marks, so that by them, and the omission of words, he can make a sentence

express the meaning he wishes. I will simply refer you to the first paragraph in Elder Howell's speech on this count.

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PROSECUTION.

Dr. Howell said:

BROTHER MODERATOR AND BRETHREN:

It was not my purpose again to have addressed you at length, in the progress of this trial. It is thought by brethren, however, that upon this count, at least, in the charge before you, I ought to do so. I am sick, sick of these disgraceful details, through which J. R. Graves compels you to wade. Yet I shrink from no duty. And I willingly assume the task, however painful, which is necessary to vindicate this beloved Church from the reproach and shame sought to be brought upon it by the senior editor of the *Tennessee Baptist*. I do it for the honor of Christ, for the vindication of his truth, and for the defence and prosperity of his cause and his people. I beg you, therefore, of your clemency, to hear me patiently.

The count in the charge now before you is as follows:

"We, the undersigned, members of the First Baptist Church, Nashville, Tennessee, charge Rev. J. R. Graves, a member of said Church, and one of the editors of the *Tennessee Baptist*, with *grossly immoral and unchristian conduct*, in that he has uttered and published in his said paper against R. B. C. Howell, the pastor of this Church, sundry foul and atrocious libels."

A *libel*, brother Moderator and brethren, and a *slander*, are very nearly allied to each other. A *slander* is "a false tale or report, maliciously uttered, and tending to injure the reputation of another by lessening him in the esteem of his fellow-citizens." To *slander* is "to defame, to injure by maliciously uttering a false report respecting one; to tarnish or impair the reputation of one, by false tales maliciously told or propagated." A *libel* is the same thing *written or printed*. A *slander* may be a mere *verbal* utterance. A *libel*, according to Blackstone, "is a defamatory *writing*." It is "any book, pamphlet, writing, or picture, containing representations maliciously made or published, tending to bring a person into contempt, or expose him to public hatred or derision. The *communication* of such defamatory writing to a *single person*, is considered in law a *publication*. It is immaterial in respect to the *essence* of a libel, whether the matter of it be true or false, since the *provocation*, and not the *falsity*, is the thing to be punished *criminally*. But in a *social* action, a libel must appear to be *false*, as well as *scandalous*."

Such are the laws of our country. Civil government has ever found it necessary to guard the people against the foul aspersions of the slanderer and libeller, by the most stringent enactments. The Word of God on this whole subject is most explicit. I will refer to a few passages as examples of the Divine teaching:

Solomon says, (Prov. vi. 16-19,) "These six things doth the Lord hate; yea, seven are an abomination unto him: a proud look, a lying tongue, and hands that shed innocent blood; a heart that deviseth wicked imaginations, feet that be swift in running to mischief, a false witness that speaketh lies, and him that soweth discord among brethren." The ninth commandment is expressed thus: "Thou shalt not bear false witness against thy neighbor." Another of the laws of God by Moses is thus briefly expressed: (Exodus xxiii. 1:) "Thou shalt not raise a false report."

In these and like terms the promulgation of falsehood, without regard to motive, is rebuked. The act itself is sinful. It is expressly forbidden, and declared hateful to God. If falsehood itself is sinful, how much more sinful is libel!—falsehood stated with intent to injure—a sinful act prompted by a sinful motive. Falsehood is a violation of truth and right; libel is a violation of truth, and right, and love. Falsehood is not necessarily prompted by a sinful motive; libel is the offspring of baleful passions, of hate and revenge. A desire to injure

is opposed to the spirit of the gospel. Had I injured Mr. Graves, still malice and revenge have no sanction in the word of God. But I had not injured him. These imputations upon my reputation, these libels on my character, were unprovoked. He violated the laws of God and the laws of man to inflict a wanton injury upon me. It is needless to dwell upon the moral quality of acts which civil laws do not tolerate. If libel is abhorrent to frail, imperfect man, how must it appear to the eye of Infinite Holiness? We will now, with the laws of man and the laws of God distinctly before us, and referring, as heretofore, to Mr. Graves' paper alone for our testimony, adduce the following specifications in proof of his guilt.

FIRST SPECIFICATION.

In the Tennessee Baptist, No. 24, dated February 20, 1858, speaking of my letter in the Christian Index, before frequently referred to, Mr. Graves says:

"What! Elder Howell duped—made use of—made a passive instrument by some one he had not so much as consulted with, to advise and urge, in 'a steam speech,' a Baptist Association to do something he himself did not understand, or, if he did, heartily disapproved and abhorred! Is it probable? Is it even supposable?" "He knew Dayton and Graves did not conceal the fact that they expected the Convention would become permanent, and furnish *Sunday-school books*; for not a word is said about it except in connection with this object. This is made the basis of the appeal for a Convention, 'Sunday-school libraries.'" "But the constitution originates 'another Southern Baptist Publication Society,' says Brother Howell. We answered this in the Convention to the satisfaction of all present, we think. We do not think this was Brother Howell's idea at first, when he called the Convention."

I ask the attention of the Church to the following considerations in connection with the above extracts:

At the Concord Association of last year, I was made chairman of a committee on Sunday-schools. I stated to the Association, when appointed, that I could not accept it, unless another member of the committee would write the report. A report, written by a brother, and slightly modified by myself, was submitted by me. That report advised the call of a Convention at the approaching meeting of the General Association at Nashville, to take into consideration the subject of Sunday-schools.

1. In the above extract it is asserted that I urged the Association to call this Convention; and, unless I urged the Association to do something I did not understand, that I understood what the Convention was to be, with its objects and designs; and that if I did understand I approved it; or else I urged upon the Association an object I disapproved and abhorred. He thus holds me up before the public in a false attitude, misrepresents my views and positions in order to bring me into odium or contempt. He presents me in the attitude of one who either urges a thing he knows nothing about, or favors a thing in its incipency which he afterwards endeavors to crush. This was calculated to throw me into contempt, or to expose me to odium. It is not necessary that I should show that it is false as well as malicious. I had in my mind a distinct conception of what it was proper for such a Convention to consider and to propose; but those objects were very different from the purposes which it was afterwards attempted to carry out through it. The statement that I did not understand what I advised, is false; the alternative that I approved of the Convention with the purposes to which they designed to apply it, is also false.

Mr. Graves's proceeding in his endeavor to show that I knew the ulterior purposes to which they intended to apply the Convention, states:

2. That "Graves and Dayton" did not conceal from me the fact that they expected the Convention would become permanent, and furnish Sunday-school books, and thus be moulded into the shape which it was afterwards attempted to give it.

3. That I knew their expectation or design, which they did not conceal.

4. That it was not my idea at first, when the Convention was called, that the organization of a new Board of Publication would originate a new Baptist Publication Society.

It is impossible for me to dwell upon all the allegations of Mr. Graves at length. From what has been already stated in this connection, it will be seen that these statements are all untrue; and they were evidently designed to expose me to public hatred and derision.

## SECOND SPECIFICATION.

In the Tennessee Baptist, No. 26, dated March 6th, 1858, Mr. Graves says:

"What great or good enterprise was ever inaugurated without discussion? Not one. What great and glorious enterprise but was sought to be *slain at its birth by some Herod?* Not one." "Let brethren remember that no great and good work has ever been accomplished without strife. And it has often happened that *the very men* who should of all others have made *peace*, are those who stirred up the strife. As in our Saviour's time the Rabbies stirred up the people to *resist and destroy* what he proposed, and claimed to do it by the will of God; as in the days of the apostles, the chief-priests and scribes, and great men in Israel, verily thought they did God service in *opposing the disciples*; so it has often happened since; *our titled and leading men* have been often found in the ranks of the opposition to the *best and noblest efforts* for the *advancement of the cause of truth*. Why this is so we need not now stop to inquire." "The apostles themselves were accused of *turning the world upside down*. And their efforts for the cause of truth were more than once the occasion of a much greater *disturbance* generally than has been raised *by our efforts* or Brother Dayton's in the cause of the Sunday-schools. Let not those who shout, '*Great is Diana of the Ephesians, accuse us of raising the mob*. Who is it that has stirred up this strife? Who made the attack? Who has said the unkind words? Who has attacked personal character? Who has published to the world that the Board nominated are men wholly incompetent to the task proposed to assign it? Who has suggested base and mercenary motives? Who?"

1. Since the wicked king of Judea sought to slay the infant Saviour, and to accomplish his bloody purpose slew the infants of Bethlehem, the name of Herod has been a synonym for unscrupulous ambition, heartless cruelty, and detestable baseness. The epithet designates not a man, but a monster. When it is applied to any one, it awakens in the mind the character of the monster Herod, and transfers it to the person so designated. Politicians sometimes, when they desire to brand an opponent as unfaithful to his country, call him an Arnold. Vituperation reaches no higher than to designate a cruel man as a Nero. And to stigmatize a man as a Herod, is to apply to him every reproachful epithet which is applicable to that hateful character. And this is what Mr. Graves here does to me. I am the Herod who sought to slay in its birth his "great and glorious enterprise." As Herod sought to slay at his birth the Saviour of the world, whom every Christian loves, and thus incurred the detestation of every Christian heart, so I, with similar opposition and similar baseness, sought to slay in its birth the organization of a Board in this city for publishing Sunday-school books. A man would hesitate to apply such an epithet to his worst enemy, much less to a Christian brother. It is needless to dwell upon the Christian character of such "railing accusations." It is also unnecessary that I should assert that it is unmerited by me—that in my opposition to that enterprise I was influenced by no unworthy motive, that I was impelled by no personal consideration, of ambition for myself or hostility to Mr. Graves, but was actuated only by a desire which has directed all the actions of my life, to advance the interests of the Redeemer's kingdom.

2. Mr. Graves asserts that I, the very man who should have made peace, stirred up the strife. All that I had done in this matter is comprised in a short speech in the Sunday-school Convention, and in the letter to the Christian Index, which you heard read last night. In neither of these did I do any thing to stir up strife, unless candid and conscientious dissent from the views of Mr. Graves necessarily induces strife on his part. This declaration, however, is in entire harmony with his policy, which is constant aggression; and whenever his aggressive acts are opposed, to raise the cry of persecution. I can, with a clear conscience, say to Mr. Graves as did the prophet of Israel: "I have not troubled Israel, but thou and thy house."

3. That, as in the Saviour's time, the Rabbies stirred up the people to resist and destroy what he proposed, and claimed to do it by the will of God, so I have stirred up the people to resist and destroy what Mr. Graves proposed, and claimed to do it by the will of God. The Rabbies upon whom our Saviour denounced his woes, and who hypocritically opposed all his designs, are by the Christian world viewed as the types of all hypocritical, selfish and malevolent opposition to righteousness. To compare me to them can be done only with a view to transfer to me the odium which all time has impressed on the character of a Jewish Rabbi. Of a like nature is his next allegation.

4. That as in the days of the apostles, the chief-priests, and scribes, and great men in Israel opposed the disciples, so I, with other titled men, have opposed Mr. Graves and his allies in their noblest efforts for the advancement of truth.

5. That as the apostles were accused of turning the world upside down, and opposition to their efforts bred disturbances, so the present disturbance has been bred by similar opposition by myself and others to Mr. Graves.

6. That I and others, not Mr. Graves, have raised the mob, of which he speaks, by crying, 'Great is Diana of the Ephesians,' that is, defending the Southern Publication Society, and resisting the appointment of another Publication Board in this city to supersede it.

The motives of Mr. Graves in the advocacy and prosecution of this enterprise have not been questioned by me. But the design which he promoted—the appointment of another Board of Publication—I honestly opposed because I thought it calculated to distract the Baptist Churches of the South. Its deplorable influence in this respect has been seen. It seemed to me that a lover of the cause of Christ should not promote division, when the source of contention was not a religious principle, but only a question whether Sabbath-school books should be published here or in Charleston. I knew that many brethren were opposed to the inauguration of a new Publication Society; hence it would tend to retard the advance of Sabbath-schools. I did not think that another society was needed, as the one already in existence was sufficiently able to meet all our wants in this respect. Hence, I thought the enterprise had better be dropped, as pressing it would only lead to needless contention between its advocates and the friends of the Southern Baptist Publication Society. But in advocating this opinion, I excited no mob, I roused no contention. I calmly took a position which, in its results, would tend to harmony and peace. The falsity of these charges, their injustice to me, must be seen. Every one not totally blinded by prejudice must see that all this contention is the result of Mr. Graves's own course. Indeed, the contention was all his own. He filled the land with his cries and railing; all the while endeavoring to make his readers believe that the noise was not his own. He charges me and others with raising the dust caused by the furious driving of his own chariot.

7. That I attacked his personal character, and thus stirred up all this strife.

8. That I suggested base and mercenary motives, and thus excited contention.

In regard to the last two allegations, I desire to call the attention of the Church to a statement of Rev. Mr. Pendleton, then his assistant, now his associate editor, and his special friend and advocate. In the Tennessee Baptist, February 13th, 1858, he says:

"Nothing occurred during the Convention so deeply to be deplored as Brother Howell's remarks on what he said *seemed* to point to the pecuniary private interests of individuals. True, he said he made no such charge as that brethren were influenced by pecuniary considerations, but that others would think so. The inference would be drawn. He did not draw it; but it would be drawn."

The writer of this paragraph will not be suspected of *mitigating* the tendency of my remarks. His evident design is to place them in a strong light, so as to render them as "deeply to be deplored" as possible. Does he say that I made any personal imputations upon the character of Mr. Graves, or any one else? No; but that I positively disclaimed all intention to make any such imputation. These two last allegations made to injure me in public estimation, are, like the others, utterly groundless. What was the object of Mr. Graves in all these railing accu-

sations against me? Why does he charge me with being a Herod—with acting like the Rabbies—with pursuing the same course as the chief-priests and scribes—with stirring up all this strife—with raising a mob by crying with others, Great is Diana of the Ephesians—with opposing the best and noblest plans for the advancement of truth—with attacking his personal character—with imputing to him base and mercenary motives? They are false allegations, evidently maliciously made and published with a design to my injury. They undoubtedly tend to bring me into contempt and expose me to public hatred and reproach. They are, therefore, libels, punishable by the laws of men, and hateful in the sight of God. This is not merely railing against me, but it is RAILING the allegations of which are falsehoods, and falsehoods MALICIOUSLY PUBLISHED. If the Word of God DENOUNCES A RAILER, how much more such aggravated conduct as this!

## THIRD SPECIFICATION.

In the Tennessee Baptist, No. 23, dated February 13, 1858, speaking of me and others, Mr. Graves says:

"He [Mr. Dayton] has done too much good to be let alone. He is enjoying too much of the love and attracting too much of the attention of Baptists, not to be compelled to suffer the penalty that superiority or great usefulness is ever doomed to pay."

And in the Tennessee Baptist of March 6, 1858, No. 26, he says:

"The ostensible leader of the anti-Landmark Baptists in this State, while Bro. Howell was still in Virginia," "was publishing a magazine in this city, called the *Parlor Visitor*. When he could not meet by arguments the reasoning of those whom he opposed, he did not scruple to attempt by dark insinuations to impugn their motives and blacken their character."

And in the Tennessee Baptist, No. 24, February 20, 1858, Mr. Graves says:

"He [Howell] doubtless knew that such a paragraph as this had been penned and published by 'A member of the Bible Board.' Surely Brother Howell nor any man can think it strange that Brother Dayton should feel sensitive to see such an insinuation, reproduced by the President of the Bible Board."

Before calling attention to several libels in these extracts, I will remark, that by "A member of the Bible Board," Mr. Graves has reference to an article published in the newspapers with that signature. Who the writer of that article is, as I have before said, I do not know. Dr. Jones, the late editor of the *Parlor Visitor*, assures me he did not write it; and up to this hour I have never seen the article to which he refers in the *Parlor Visitor*.

1. Mr. Jones in this specification avers that I persecute Mr. Dayton, because he [Mr. Dayton] does so much good.

2. That I hate Mr. Dayton, because he [Mr. Dayton] enjoys so much of the love of the Baptists.

3. That I compel Mr. Dayton to suffer, because of his [Mr. Dayton's] superiority and great usefulness.

4. That I, as Dr. Jones is alleged to do, do not hesitate to impugn Mr. Dayton's motives and blacken his character.

5. That I do this, reproducing Dr. Jones' alleged disparagement, in my capacity as President of the Bible Board.

What passion in the human breast is so despicable as envy? What so excites the contempt of mankind as its display? But when, from a simple emotion, it becomes an actuating impulse, urging forward to pull down and destroy its object, contempt is changed to abhorrence. And this is the base, vile, despicable passion which Mr. Graves here attributes to me, and assigns as the motive for my alleged imputation on Elder Dayton. Had this base feeling ever rankled in my bosom, self-loathing would be too intense for words, and I should be justly exposed to the abhorrence and contempt of all good men, which the editor of the Tennessee Baptist has thus endeavored to excite against me. However good or great the author of *Theodosia* may be, it has never struck me that I had cause to envy his worth, his greatness, or his popularity. I have felt that the favor of my brethren has been bestowed on me, in a measure, at least equal to my merits, and a brother deserving and enjoying the same approval has ever been to me the source of unfeigned pleasure. But, not content with misrepresenting my

actions and putting a false gloss upon my expressions, the editor of the Tennessee Baptist must attribute to me the basest motive. He charges me with having assailed Elder Dayton, which is not true, and then falsely attributes this attack, falsely charged, to the base, unworthy motive of envy.

Is it to be wondered at, that noble-hearted brethren, loathing all that is base and vile, and believing these representations to be true, should be prejudiced and excited against me? Such was evidently the design of Mr. Graves in publishing against me these "foul and atrocious libels."

#### FOURTH SPECIFICATION.

Mr. Graves having now succeeded in making an impression on the minds of probably not a few of his readers against me, by *ex parte* and false statements, in his paper, not a few write articles in which they reflect the views derived from him. Having, doubtless, innocently, in many instances, received false impressions from the representations in his sheet, these impressions are reproduced in their communications. Being based upon falsifications and misrepresentations, these *reflected* views are, from their very nature as reproductions, necessarily untrue. Of the writers of these letters I will be permitted to say a word or two. Most of them I know personally, and with all of them, up to the appearing of their articles in the Tennessee Baptist, I supposed my relations to be of the most cordial and affectionate character. I am sure I always loved them sincerely. Nor am I conscious of ever having inflicted injury on any of them. That they should have suffered themselves thus to be misled is deeply painful. I know of no cause why they should pursue me in this manner.

Mr. Graves has labored to produce these false impressions regarding me upon the minds of his readers, and he now endeavors to deepen them by publishing these reflections of his own libellous allegations.

Mr. Graves knows that he is legally and morally responsible for the publication of these injurious statements. A few years ago he was heavily mulcted in damages for a defamatory article of a correspondent, which was not endorsed by him. These articles are all published with his approval, and several of them with his special endorsement. And giving them thus to the public, he is morally and legally responsible for the injury thus inflicted on me. Indeed, the whole responsibility is mainly his own, since these articles, in some instances, perhaps, were not intended for the public eye, and, therefore, were not directly intended by the writers to injure me. Such are, so far as the correspondents are concerned, simply false statements in regard to me. And even in this, they are honest, believing them to be true, in that they have been deceived by the false statements of Mr. Graves. But the editor of the Tennessee Baptist seizes upon them as means for the accomplishment of his purpose, and heralds them to the world, in order to deepen and widen the injury he was attempting to inflict upon me. He thus makes the statements his own, and the malicious intention with which they are heralded over the land, is all his own. It is evident that he is responsible for thus endeavoring to poison the public mind, by presenting these statements of his correspondents.

#### FIFTH SPECIFICATION.

Rev. Wm. H. Holcombe, of Mississippi, writes in the Tennessee Baptist, No. 25, dated February 27, 1858, as follows:

"I am tempted to say some severe things" [to Brother Howell.] "For our own brethren to assail each other, and some of our *time-honored principles*, is indeed strange and very mortifying to me." "It is the province of Dr. Howell to teach his brethren the doctrines of the Bible. Surely they will not remain in ignorance much longer." "If, after all, the whole ground of charge is, that Brother Graves, as editor, and his Publishing House, is destined to become more popular than the Southern Publication Society at Charleston, should our brethren complain? If the *Tennessee Baptist* is the most able and popular Baptist paper South, what of that?" Upon this letter Mr. Graves comments thus: "Will his [Mr. Holcombe's] voice be heard now? Will Brother *Howell* regard it?"

In the Tennessee Baptist, No. 29, March 27, 1858, a writer spoken of as a Mr. Baldwin, and who dates his communication at Kingsport, Tennessee, speaks thus: "As to the Sunday School Union, we are in favor of its organization, and regard the attacks made upon it by some of our milk-and-water Baptists, as an attack on men for their Landmark principles."

Mr. Graves, in the Tennessee Baptist, No. 30, dated April 30, 1858, publishes a letter from J. B. Hardwick, Riceville, Virginia, a young man that I greatly love, and that I suppose to be talented, modest, and pious, having known him for several years, in which he refers to me thus: "I am astonished that men heretofore noted for piety and Christian courtesy, should treat Baptists as you and some of our friends have been treated." "Let the work of proscription go on. It cannot last long." "At no distant day you will hear from them, [the masses,] and others will learn, by bitter experience, that opposition to truth is not always profitable." "Men in the West are trying to counteract your influence, and if not to destroy or curtail your business." Upon the letter from which these extracts are made, Mr. Graves says: "If the course of some brethren injure them, it is not our fault. We sought to prevent it."

In the Tennessee Baptist, No. 31, April 10, 1858, Rev. Wm. H. Barksdale, a young man of Helena, Arkansas, in whom I had taken much interest, and supposed to understand what is due to the amenities of life, writes as follows:

"I abominate that pusillanimous spirit which crouches before clearly-perceived wrongs, and will permit innocence to be suspected, and well-earned reputation traduced, merely because the name of some popular and influential one is in some way connected with the slanderous rumor. Now, sir, at the risk of 'my good name,' I will here breast the storm in the defence of the slandered Pendleton, the traduced Dayton, and the caricatured Graves." "Did either of them accuse Dr. Howell of *preaching for money*? Did either of them say that Dr. Howell could not so much as read the word religion, on account of an *intervening guinea*, although he would not go to a single Association, however important, unless the brethren would first pledge him pecuniary aid? Every one present, however poor, promised to try to attend some two or three of these meetings, save one brother, and that brother was Dr. Howell, whose guinea seemed quite suggestive. For, if I remember correctly, he invariably answered, '*Dr. Howell will go if Dr. Howell's expenses are paid.*' Now when those whose salaries were quite insignificant compared to his, and whose expenses were equally as great, were willing to go at their own expense, for the privilege of sitting together with their brethren in heavenly places in Christ Jesus, and yet Dr. Howell would not so much as go to a single one without prefacing his promise with the condition of pecuniary aid, I could not, for my life, keep his 'gourd handle' out of my brain. And yet, who, until Brother Howell and others sought to crush out and choke down certain men and their enterprise, would have ever thought how beautifully his anecdotes all might be illustrated nearer home?"

The commentary with which Mr. Graves accompanies this production, is as follows:

"Read the article of Elder Barksdale." "Brother B. was a member of the committee to draft a constitution; an anti-Landmark man, not ultra, and the warm, personal friend of Brother H. He speaks what he does know, and testifies of what he has seen, and his testimony will have great weight."

Rev. J. J. Martin, of Wilson county, Tennessee, says in the Tennessee Baptist, No. 31, dated April 10th, 1858:

"I have been surprised, and so have many others, at the course taken by certain individuals, some of whom are *titled* and famous for the discovery of gourd handles, in so furiously attacking Old Landmarkers; for the war is against *men*, instead of *measures*. But go on, my Brother, [Graves;] *you* are in the *right*, and *true Baptists* will stand up to you."

In the Tennessee Baptist, No. 32, April 17th, 1858, a Mr. Jones, of Campbell County, Va., of whom I know nothing, says:

"The *strange*, and, I must say, *unchristian* production of Dr. Howell has distressed and mortified me deeply. What good could he expect to grow out of such a production? All good Baptists will be mortified at it. And *has it come to this*,

that Dr. Howell is seeking popularity from the Pedoes by striking down his friends who are laboring for the advancement of truth?"

In the same paper, a Mr. T. H. Thurman, unknown to me, who writes from Texas, says:

"I have read with sorrow of the course pursued by Brother Howell and others, relative to the action of the Southern Sabbath-school Union. I had not expected that Elder Howell would have occupied a position so suicidal to the interests of our Churches and children."

The extracts here submitted embrace a few only of the disparaging communications which Mr. Graves has elicited from his correspondents, and published, with a view to my injury. Most of these correspondents were undoubtedly deceived by his *ex parte* and outrageous representations. Otherwise I do not think they could have written as we have seen they have. Some of them, as I have heard, have written to Mr. Graves, withdrawing their statements, but he has refused to publish any such withdrawals. I the more lament, therefore, their appearance here in this relation; but you could not avoid it. Mr. Graves has dragged them before the world, and subjected them to the consequences of his act. He has betrayed them into false and libellous statements, which he has not only not corrected, but has, as we have seen, commended to his readers as true in themselves and important in all their bearings. The position of these correspondents is a painful one, to themselves and to me. Betrayed into false and injurious allegations by the misrepresentations of Mr. Graves which induced them to believe them true, I desire to distinguish between the libels and the persons who, under mistaken impressions, produced them. This, however, does not apply to Mr. Graves. He excited these false impressions in the minds of his readers; he thus induces them to make false and injurious statements, and then maliciously heralds the libels to the public. I proceed to point out some of these gross libels which Mr. Graves has published against me.

Mr. Holcombe alleges:

1. That I have assailed time-honored principles of the Baptists in my opposition to the proposed Board.
2. That I have assailed the Tennessee Baptist, and that, too, because it is the most able and popular Baptist paper in the South.
3. That I have assailed Mr. Graves's Publishing House because it is destined to become more popular than the Southern Baptist Publication Society at Charleston.

I need not declare before you, Brother Moderator, that in my course "I have assailed no time-honored principles of the Baptists." The statement is merely a reproduction of intimations of the Tennessee Baptist. Mr. Graves was aware at the time he published this libel against me that it was false. But he knew that, with many of his readers, the truth of an injurious statement would never be investigated, and that falsehood would accomplish his injurious purpose better than truth. If the impression could be made that I was assailing time-honored principles of Baptists, he knew that odium would be heaped upon me, without inquiry in regard to its justice.

That I have assailed the paper and the Publishing House of Mr. Graves is also untrue. I have not been the assailant, but the assailed. But here Mr. Graves publishes to the world this injurious statement, which he knew had no foundation in fact, but was only a reproduction of his own false allegations; and also publishes to the world that I was actuated to this alleged assault by that base motive, envy of their popularity and influence. Why does Mr. Graves publish these false and injurious statements? He could have no motive but to destroy my reputation and ruin my character in the minds of his readers. This publication of Mr. Graves is an atrocious libel on my character.

Mr. Baldwin alleges:

1. That I am a milk-and-water Baptist.
2. That my efforts to prevent the organization of a new Publication Board to be located in this city, was an attack on men for their Landmark principles.

The first of these allegations is unworthy of notice. My labors for nearly forty years to advance Baptist principles speak for me.

That my opposition to the proposed Board in this city was an attack on men has already been shown to be false. This is merely a reproduction of Mr. Graves's former statements, which have been already answered.

These allegations, however, answered well Mr. Graves's purpose, and were published by him to produce injury to me.

Mr. Hardwick alleges:

1. That in resisting the organization of that Board I proscribed Mr. Graves.
2. That in said resistance I opposed the truth.
3. That my object was to counteract and destroy Mr. Graves's influence.
4. That I seek to destroy or curtail Mr. Graves's business.
5. That I have, in this affair, departed from piety and courtesy.

This is all the echo of Mr. Graves's unfounded declarations. The writer of this communication was evidently deceived by the assertions of the Tennessee Baptist. But this does not mitigate the character of Mr. Graves's conduct in parading these statements before the public with intention to injure me. Why did Mr. Graves publish to the world that I proscribed him; that I was opposing the truth; that my design was to counteract and destroy his influence; to destroy or curtail his business; and that my course was inconsistent with piety and courtesy; but because such publications would necessarily tend to injure me and destroy my character among his readers? It is unnecessary to stop here to prove that these allegations are false. It is proved by the statements in my speech on the last night, which it is not necessary to reproduce.

Mr. Barksdale alleges:

1. That I wronged Mr. Graves, cast suspicion upon his innocence, and traduced his well-earned reputation.

This assertion is based upon my remarks in the Sunday-school Convention, and has been proved by the testimony of Mr. Pendleton to be false. The object of my remarks, which have been so wrested from their purpose, was to endeavor to induce Mr. Graves not to press the question of the Board, lest interested motives might be imputed to him. This was said in the kindest feeling. It had nothing of the nature of a taunt. All such intention was earnestly disclaimed.

2. That relying upon my reputation to sustain me, I have slandered Pendleton, traduced Dayton, and caricatured Graves.

Nothing in regard to Mr. Pendleton has been published by me. The falsity of the other allegations has already been sufficiently demonstrated.

3. That I am a mercenary man, led in what I do by pecuniary considerations.
4. That my purpose is to "choke down" and "crush out" Messrs. Graves, Pendleton and Dayton.

Passing the third allegation, which is unworthy of notice, I remark of the fourth that it becomes well its association with the other, from its recklessness, and its appeal to partisan prejudice. That Mr. Graves published with commendation these libels, is proof of his relentless determination to destroy me as far as it lay in his power.

Mr. Martin alleges:

1. That my opposition to the proposed Board was a furious attack upon Old Landmarkers.

2. That it is a war against men and not measures.

The falsity of these allegations is apparent from statements and arguments already adduced. I do not notice the sneer which his communication contains.

3. That I am not a true Baptist.

I pass that also as unworthy of notice, since I am in this respect not unknown to my brethren.

Mr. Jones alleges:

1. That my letter to the Index was unchristian. The Church, Brother M<sup>d</sup>erator, heard that letter read last night, and you saw how groundless are the accusations based on it.

2. That I am seeking popularity with Pedobaptists by striking down my friends.

That I was laboring to strike down any one, has already been shown to be false.

The other allegation which Mr. Graves publishes to the world does not merit notice by me.

Mr. Thurman alleges:

That my opposition to the proposed Board is suicidal [I suppose he means destructive] to our Churches and children.

Such are the publications, Brother Moderator and brethren, by which Mr. Graves has sought to destroy my character. They are false. They all tend, without doubt, to bring me into contempt, and to expose me to public hatred and derision. That they were published with that design, you cannot for one moment doubt. They are therefore libels. For them all Mr. Graves is, as we have seen, fully as responsible, legally and morally, as if he had written them himself. He eagerly gathered them up, and, as I happen to know, in some instances at least, published them without the consent of the writers. He deliberately selected and printed them with malicious intent to do me injury. And how well are they calculated to effect his object! With what am I falsely charged in these libels, so eagerly published by Mr. Graves? The allegations are not trivial. I am falsely charged as assailing time-honored principles of Baptists; opposing the truth; proscribing Mr. Graves; attempting to counteract and destroy his influence; to destroy or curtail his business; as casting suspicion upon him; as traducing his reputation; as slandering, traducing and caricaturing Messrs. Pendleton, Dayton and Graves; as desiring to "choke them down" and "crush them out;" as, actuated by envy, assailing the Tennessee Baptist and South-western Publishing House; as furiously attacking men for their Landmark principles; as maintaining a position suicidal to our Churches and children; as seeking popularity with Pedoes by striking down my friends; as being a milk-and-water Baptist; as being a mercenary man actuated by pecuniary considerations. Such are some of the libels by publishing which Mr. Graves has labored sedulously for months to destroy me. And yet you heard him say that he had never had unkind feelings toward me; that he had never desired to injure me. What! Were all these publications made in regard to a brother he loved? Did he entertain toward me the love required by the gospel, when he was thus laboring for my destruction? Were these publications prompted by the charity which thinketh no evil? Did the Spirit of Christ influence him thus to violate the commands of the Saviour?

If these allegations were true, still Mr. Graves would be convicted of railing against his brother. If they had not been maliciously published, with intent to ruin me, still he would be convicted of crime, which the Apostle declares to be a sin against Christ. But they are false; and what is the intensity of Mr. Graves's moral guilt?

Take these libels altogether, every one of which is clearly deduced from extracts taken from his paper—and a copy of each one quoted now lies before you, that you may, by an examination for yourselves, see that the quotations are all authentic and fairly made—and what shall we say of the moral attitude of Mr. Graves, as a member of this Church? These libels—four under the first specification, eight under the second specification, five under the third specification, and twenty under the fourth specification, in all about thirty-eight—would be most revolting, committed under any circumstances, even by a man who makes no pretensions to religion. Ordinary honesty, even among the low and degraded, would seem to be sufficient, even were there no fear of punishment, to deter a sane man from perpetrating such crimes as these. But Mr. Graves professes to be a Christian, and more, a minister of the pure and holy gospel of our Lord Jesus Christ. How much more revolting are they, therefore, coming as they do from a man making such pretensions! Nor is this all. These atrocities, for which the laws of our land would, were we to appeal to them, punish him so severely, are perpetrated by him, a professed Christian, with the vows upon him of a minister of the meek and lowly Jesus, and professing to govern himself by the Word of God—not against an enemy, not against a stranger—but against a member of his own Church, whose peace, union, and honor he has solemnly covenanted to seek by every means in his power. Nor is this all. He has committed these heinous offences against his own pastor, whom, as previously remarked, he had before

Jesus Christ, and by his commandment, and in the presence of his Church, sacredly pledged himself to love and honor; who received and kindly stood by him when a stranger and friendless; who, in his poverty and obscurity, firmly sustained him; who brought him forward to public attention and respectability; who, up to this hour, has committed no offence against him; and who, for the advancement of the cause of Christ, aided by other brethren, placed in his hands those very engines which he has now turned against him and against you, and by the aid of which he so unscrupulously seeks to *defame, bring him into contempt, expose him to public hatred and derision, and thus to destroy him.* How deep, therefore, how revolting the guilt of Mr. Graves!

I shall not address you at length, brethren, upon the remaining counts under this charge. I beg, therefore, your attention for a few moments longer, that I may give a more full expression to the feelings of my heart on this occasion. God knows that if all the afflictions of my life were put together, they would not amount to a tenth part of the suffering which this trial and the events connected with it have cost me. I feel, however, that these sufferings are for Christ, his cause, and his people. Therefore, "None of these things move me; neither count I my life dear unto myself, so that I may finish my course with joy, and the ministry which I have received to testify the gospel of the grace of God." If the charge before you is sustained by the specifications and proofs under the several counts already presented, or any portion of them, to say nothing of those yet to come, nor of the outrageous and schismatical proceedings of Tuesday night last, then a most solemn duty rests upon you. The question now before you is, not whether you shall expel Mr. Graves from your membership, but, *is he guilty?* That is what you have at present to determine. He occupies, it is admitted, but in a very peculiar sense, a high position before the Churches, as an editor, and a preacher of talents. But this fact, while it makes your prompt and impartial action *more difficult*, renders it still *more imperative*. "He should be clean who bears the vessels of the Lord." What have you seen for years past, in the spirit or language of Mr. Graves, bearing any of the lineaments of the meek, the lowly, the loving Jesus? The Word of God says: "The servant of the Lord must not strive, but be gentle unto all men, apt to teach, patient, in meekness instructing them that oppose themselves." But Mr. Graves is frenzied, striking at every one who does not bow down to him, and vituperating all who he imagines come in his way.

Such has been his conduct for years past. Brethren in every quarter of the land have felt his blows. Not a few of them, as Duncan, of Louisiana, Crane, of Mississippi, Tustin, of South Carolina, Coleman, of Arkansas, Everts, of Kentucky, and Dawson, of Georgia, have appealed to you for protection against his defamatory attacks. You could no longer be deaf to these calls from every quarter. While giving him impunity, you are considered as endorsing his character, and, in public estimation, are *participes criminis* in his evil deeds.

The course of Mr. Graves toward me is but a continuation of his previous conduct toward others, and with as little provocation. At your earnest and repeated solicitations I returned to your pastorate, which has now continued, first and last, more than *seventeen years*. You know me intimately and well; more intimately and better than do any other people upon earth. I returned not to battle against Christians of any denomination, and especially not to battle against Christians of my own denomination. I came under a strong sense of duty, to preach to you the gospel of Christ, to seek, with the blessing of God, to harmonize our people, to urge forward the cause of truth and salvation in this part of our beloved country, and especially to build up and strengthen, with what ability I possess, this little Church, over which I have anxiously watched, and for which I have prayed so many years, and which has always been so dear to my heart. From this purpose I have never for a moment departed. I have assailed no one: I have sought, prayerfully sought, the benefit of all, and of all alike. Why then am I, and are you, and our friends elsewhere, assailed by Mr. Graves, in the manner which has been exposed? Why are we now, week after week, falsified, slandered, ridiculed, and belittled by him, and by both his associate editors?

is this the "howl" which it was prophesied would come up, and which would make you, and me, and this whole Church "think the world was coming to an end?" For more than six months we did not notice Mr. Graves' attacks in any way. To this day neither you nor I have published one word of response. This impunity has been abused by him. It has rendered him but the more bold and reckless. You have now at last called him, and properly, to answer at your bar. As a member of this Church, having the same rights with every other, and only the same rights, and as *your pastor*, entitled, until it is forfeited, to the respect due the pastoral office, I cheerfully, gladly, throw myself upon your enlightened justice. If, in your opinion, I and others implicated have deserved the shame attempted to be heaped upon us, we will not appeal from your decision. It is your duty to speak truly, and to sustain the right, no matter who suffers. Hitherto God has supported me in the ministry, without stain or reproach. I do not, however, ask you to *spare me*. I never will. I will not accept from you *forbearance*. I ask only for *even-handed justice*. If I am guilty, as Mr. Graves affirms, strike me down. I occupy a position of which I am unworthy. I asked of Mr. Graves, in all my efforts to settle this matter, as to myself, privately, nothing toward me which I did not voluntarily offer to do myself toward him. I now ask you to do nothing in regard to him which I would not have you do with regard to me in like circumstances.

But Mr. Graves is guilty, indubitably guilty, as charged in every one of these cases. This, his warmest admirers, when their "sober second thoughts" come to bear rule, will be obliged to admit. If you find him guilty, you must pronounce him guilty. You cannot avoid this verdict. He will then stand before you, and before all others, who acknowledge the sovereignty of Baptist Churches in the exercise of discipline, as convicted of the offences charged. You will afterward be called upon to decide what the Word of God requires you to do with him. If his offences are really what they are represented in this charge, and clearly proved to be in the specifications under the several counts before you, you owe it to him; you owe it to yourselves; you owe it to our brethren and Churches throughout the land; you owe it to the cause of truth, and salvation; you owe it as a duty to Jesus Christ, to place upon him the seal of your condemnation. But he refuses to hear you! He affects to withdraw! He denounces your authority and jurisdiction! The brethren have told his offences to the Church, as the law demands. He repudiates it all. The commandment of Christ leaves you no alternative. It is definite. "If he refuse to hear the Church, let him be unto thee as a heathen man and a publican."

Mr. Fuller moved that the question be now taken, as it was apparent no defence was to be made.

The motion was concurred in.

The Moderator stated the question before the Church to be: Whether Rev. J. R. Graves is guilty of libel as charged.

The Moderator. Those who believe that the charge has been sustained by the testimony adduced, will rise.

Upon a count, eighty-four members were standing.

The Moderator. Those who believe that the charge has not been sustained by the testimony adduced, will rise.

None rose.

The Moderator then declared the Church had, by a unanimous vote, decided that the charge had been sustained by the testimony.

On motion, the meeting adjourned to 7 o'clock Tuesday evening, with the benediction by Dr. Howell.

#### DEFENCE.

1. I shall detain you but a short time with remarks upon the proofs presented to sustain this third charge.

By referring to Elder Howell's pleading upon the first specification,

you will see he bases his argument upon his own deliberate forgery, and not upon any thing I ever published! Were my prosecutor before me, I would call upon him to say which of the two crimes is the more heinous in the sight of God—exposing a man to odium when he has made himself odious, or the deliberate and repeated misstatement of a brother's language by the adroit use of punctuation-marks, and the omission of words and parts of sentences? But this might be too severe. This is as sufficient an answer as the first specification requires, unless it be to say here, since Elder Howell labors to make me mean what I did not say, that I did not think it was Elder Howell's idea at first, when he called the Convention, to originate another *Southern Baptist Publication Society*; and I also said it was no one else's idea, and it never has been any one's idea yet, and I hope never will be. One such Society is quite enough! The S. B. S. S. Union is now under glorious way, thank God, in spite of the opposition it has had to encounter, and it is just what it was designed to be. *It is not another Southern Baptist Publication Society*, but a simple organization to supply the denomination with a *Baptist Sabbath-School literature*, in the shortest possible time, and at the least possible expense. It can furnish books *without a dollar's expense* to the denomination; or, provided the denomination will pay the authors and the expense of the plates, it will furnish Sunday-school books as cheaply as the S. S. Union. This is not doing like the S. Pub. Society.

2. I have no defence of the remarks made by me, and quoted under the second specification. They stand there, and I wish them to stand there and be read by the generations following, when every Baptist Church in the South shall be enjoying the blessings of Baptist Sabbath-school books furnished by the Southern Baptist Sabbath-School Union—a Union achieved at such cost to individuals as this has been!

But remember, I have never said that Elder Howell was Herod, or a Herod, nor do I wish to be understood as intimating that he is, unless he confesses that all the unreasonable and wicked opposition to the S. B. S. S. Union originated with him, and has been encouraged or carried on under his direction; if so, then I am willing he should enjoy the bad eminence of acting the part toward this infant enterprise that Herod acted with reference to the infant Saviour—attempting to kill it in its cradle. But otherwise I protest against his assuming to himself what was applied to all those engaged in the defeat of the Union.

3. Will you turn and read this third specification, and Elder Howell's remarks upon it. The sentence is a part of Prof. J. M. Pendleton's report of Elder Howell's speech in the Nashville Convention. It reads: "Nothing occurred during the Convention so deeply to be deplored as Brother Howell's remarks on what he said *seemed* to point to the pecuniary private interests of individuals. Truly, he said, he made no such charge as that brethren were influenced by pecuniary considerations, but that others would think so. The inference would be drawn. He did not draw it, but it would be drawn."

Since Elder Howell seeks to evade the responsibility of the influence of this implied charge, allow me to say a few things about charges.

There is a direct and an indirect way of doing a thing. Sometimes the indirect method is even more effective than the direct one. Many a shrewd man is guilty of *moral* slander while he evades the consequences of *legal* slander. Suppose Mr. Howell's watch should be stolen, and he had his suspicions *unjustly* excited against Mr. A. He might say, My watch has been stolen—I do not charge Mr. A. with the theft, but others will. I do not draw an inference unfavorable to his honesty, but I am satisfied such an inference will be drawn. Far be it from me to impute so base a thing to Mr. A., but it will be imputed to him by others. Now, who does not see that in this case Mr. Howell would be guilty of *moral* slander, though he would be safe from the consequences of *legal* slander. He would probably do more to injure the reputation of Mr. A. than if he should directly charge him with the theft.

Now what did Elder Howell affirm? That he saw a gourd handle, and that North Carolinians knew a gourd when they saw the handle. Certain things seem to point to mercenary motives on the part of myself, and others connected with me; he did not *charge* it, but others might or would; he saw the *handle of a gourd*, however, etc. The verdict of all who examined this case, will and must be, that Elder Howell stands convicted of the very crime he charges against me.

4. I do not think it necessary to go into a defence of the sentences Elder Howell has garbled out of my articles written during that controversy. I submit the articles themselves to your examination. You will see that Elder Howell appropriates to himself every thing of a general significance, and applying to the opposition generally. If I say that Elder Dayton has done too much good to be let alone, Elder Howell charges me with saying that he (Howell) was persecuting Elder Dayton because he (Dayton) does so much good! and puts it down as a foul and atrocious libel! I protest against this sort of sleight-of-hand. It will not be approved by intelligent men.

5. I defend the seven brethren implicated with me, on the same grounds. They are among the very first brethren in the States in which they labor. The denomination knows them to be above suspicion of the charges alleged against them. They have only exercised their rights as citizens and as Baptists, to express publicly their opinions of the *public sayings and doings of public men*, and it is a burning outrage upon the natural and Christian rights of those men and ministers, to charge them before a Church for "foul and atrocious libels," and try them and vote them guilty, and then publish them to the world as foul and atrocious libellers! Such a high-handed act was never perpetrated among a people called Baptists before since the world was made. I believe that Elder Howell and his allies could be held amenable to, and would be severely punished by the civil courts of our land for libelling in this public manner the first names in the Baptist denomination, though not titled. Their Churches have defended them, and will defend them. Had they approved the course of Elder Howell and his party, and disapproved of my course, in even still stronger terms, Elder Howell would never have considered their opinions libellous, or have called upon their Churches to deal with them. Never! Do you believe he would?

I have received the action of the following Churches, vindicating the character of their pastors from the public defamations of Elder Howell.

The Bradley's Creek Church has taken the following action :

The Committee of Bradley's Creek Church, after examining all Elder Howell's allegations against Elder Martin, reported the following to the Church, which was unanimously adopted and placed upon its records :

WHEREAS, Elder J. J. Martin has been charged by Elder R. B. C. Howell and his party, claiming to be the First Church in the city of Nashville, Tennessee, with foul and atrocious libels, in that he published a short article in the Tennessee Baptist of the 10th of April last, expressing his surprise at the course of some individuals in the Sunday-School Convention which was held in Nashville in October, 1857; and also expressing his conviction that the opposition against the Board appointed by the said Convention and its location in Nashville, was an opposition against men instead of measures; and,

WHEREAS, Elder J. J. Martin alluded to an expression of Dr. Howell insinuating, as he thought, mercenary motives upon the Board, and particularly those members of it connected with the South-Western Publishing House. Therefore,

*Resolved*, That we, the Baptist Church of Christ, at Bradley's Creek, Rutherford Co., Tennessee, are fully satisfied that Elder Martin only expressed a conviction in common with every man whom we have heard express an opinion, who was present at the Sunday-School Convention.

*Resolved*, That we have the utmost confidence in the veracity and integrity of our pastor, and from long acquaintance know him to be far above the contemptible position in which Dr. Howell and his party have endeavored to place him.

*Resolved*, That we assure all persons whom it may concern, that Elder J. J. Martin enjoys untarnished reputation as a gentleman, a Christian, and a minister of the gospel.

*Resolved*, That this preamble and resolutions be spread upon our Church-book, and that a copy be forwarded to Brother Martin, to be disposed of as he may choose.

All of which is respectfully submitted:

JOHN C. HOOD,	} Committee.
R. H. JARMAN,	
R. H. BILBRO,	
C. S. DILLON,	
J. W. JONES,	

At the March meeting of the Church of Ripley, the committee to whom was referred the specifications furnished that Church by the Rev. R. B. C. Howell, against their pastor, Rev. W. H. Holcombe, made their report, which was read and adopted.

#### REPORT.

*To the Baptist Church, Ripley :*

Your committee, to whom was referred the specifications furnished this Church by the Rev. R. B. C. Howell against our pastor, the Rev. W. H. Holcombe, report the following :

1. That they have examined carefully the letter written by Brother Holcombe and referred to by Brother Howell, and from which letter he charges Brother Holcombe of libelling him.

Your committee are of the opinion, from the following facts, that Brother Holcombe had no intention of libelling Brother Howell, nor do we think he has done so.

Brother Holcombe says in his letter, "that he is really tempted to say some severe things, but, for fear I might do harm, I will deal kindly, and I hope, in the spirit of my Master. I am not at all surprised that Protestant sects should array themselves against Baptists; but for our own brethren to assail each other, and some of our time-honored principles, is, indeed, strange, and very mortifying to

me. I ask, in all kindness, why this parade against the doings of the late Sabbath-School Convention, which met in your city?"

This part of Brother Holcombe's letter is mainly directed to the editor, and he also alludes indirectly to other brethren, but why Brother Howell should take it to himself, or assume the responsibility, as the one who had assailed "our brethren or time-honored principles," is for him to explain, and not your committee.

2. Brother Holcombe further says, in his letter, "that the South-Western Baptist makes quite a spasmodic attack, and really it is hard to decide whether he meant to attack the Convention or the Old Landmark Reset. Perhaps he intended to kill two birds with one stone. But Brother Howell does know that he cannot overturn the principles of God's Word. He calls the Old Landmark question new theology."

In this part of Brother Holcombe's letter, he evidently alludes to Brother Henderson, of the South-Western Baptist, for the quotations made by Brother Holcombe are not to be found in Brother Howell's Index letter, but are the language of Brother Henderson. Then, if Brother Howell is libelled in this part of the letter, the matter is with him and the editor of the South-Western Baptist; but your committee is unable to see wherein any one was libelled, and especially one to whom no allusion was made. The object of Brother Holcombe here appears to be to destroy the position of Brother Henderson, by argument, that Old Landmarkism was not "new theology," but, as a doctrine, was as old as the New Testament.

3. Brother Holcombe, in his letter, says further: "I notice in a recent letter from Dr. Howell to the Christian Index, that he says, 'the Landmark doctrine, known to be a hobby among them, (alluding to the members of his own Church that were connected with the local Board at Nashville,) which, by the way, they do not understand, since they have never yet learned the teachings of the Bible, and the opinions of brethren in the South, regarding it.'" Brother Holcombe says: "As it is the province of Dr. Howell to teach his brethren the doctrines of the Bible, surely they will not remain in ignorance much longer."

Here, for the first time, is Brother Howell alluded to in Brother Holcombe's letter; and although Brother Howell speaks of this language, (used by Brother Holcombe,) in his letter to this Church, (Ripley,) he does not regard it as very offensive, and it is well, for evidently there was none intended.

4. Brother Holcombe further says, in his letter: "But after all, if the whole ground of charge is, that Brother Graves, as editor, and his Publishing House is destined to be more popular than the Southern Publication Society at Charleston, should our brethren complain? If the Tennessee Baptist is the most able and popular Baptist paper South, what of that?"

Your committee cannot see wherein Brother Holcombe libelled Brother Howell in this part of his letter; for, doubtless, he alludes to the Sabbath-School Convention, and not the Graves' trial, as Brother Howell supposes, (as Brother Howell says in his letter to this Church—Ripley—"I have brought no charge against anybody in the First Baptist Church, nor in any other Church.") It was impossible for Brother Holcombe to have had reference to the Graves' trial, for his letter was written and published in February, and the Graves trial was never publicly commenced until about September following. Your committee find libel defined by Kent to be, "A malicious publication expressed either in printing, or writing, or by signs or pictures, tending to injure a person's reputation and expose him to public hatred, contempt, or ridicule."

We find further, "the essence of the offence consists in the malicious intent to defame the reputation of another." Your committee have endeavored to apply the law to the facts in the case, and also what Brother Holcombe states in person his intention and feelings were at the time the letter was written, and our opinion is, that our pastor did not intend saying, and did not say, any thing that was calculated to injure the reputation of Brother Howell, or to "expose him to public hatred, contempt, or ridicule." Your committee would further say, that they learn from Brother Holcombe that he has, up to this charge made against him,

entertained for Dr. Howell the most profound respect and Christian, brotherly love. Your committee think that the specifications should not be entertained; that this Church has no disposition to take part in Brother Howell's quarrels, or any other brother's; but when the reputation of our pastor is assailed, that it is the duty, as well as it is a pleasure, to defend him as publicly as he was assailed. Therefore,

*Resolved*, That the resolution calling on Dr. Howell for specifications, his letter with specifications sent, the report of the committee, and this resolution, be forwarded to the Tennessee Baptist for publication.

All of which is respectfully submitted.

J. E. ROGERS, Chairman Com.

#### FOURTH CHARGE—FIRST AND SECOND SPECIFICATIONS.

EVENING SESSION, 7 O'CLOCK.

The Council assembled at the appointed hour. The Moderator read a portion of Scripture. Elder Cates led in prayer.

The Clerk read the fourth charge, together with the first and second specifications; after which Elder Graves briefly reviewed it before the Council.

#### PROSECUTION.

TUESDAY EVENING, October 19, 1858.

Met pursuant to adjournment.

The proceedings were opened by reading a portion of Scripture by the Moderator, and prayer by the Rev. Mr. Walton.

On motion, the reading of the record was dispensed with until the conclusion of the trial, when the whole should be read and passed upon.

Mr. Fuller moved to take up the fourth count in the charge against the Rev. J. R. Graves.

The motion was concurred in.

Mr. Fuller said that as the evidence to sustain the fourth count in the charge against Rev. J. R. Graves is to be found not only in the editorial columns of various numbers of the Tennessee Baptist, but also in sundry letters published in that paper, he should beg leave to accompany the testimony with a running comment upon the same, which was the only argument the prosecution proposed to offer.

The Moderator stated it was in the power of the Church to grant this privilege.

Dr. Jones suggested that as it was customary to call upon the defendant for any rebutting testimony he might desire to offer, it would perhaps be proper to extend that invitation now.

The Moderator replied that the invitation would be given when the evidence offered by the prosecution had been heard.

Mr. Fuller stated that the argument had been prepared to accompany the testimony in the form he had suggested, and he hoped the privilege of thus presenting it would be granted him.

The Moderator suggested that a motion to grant the prosecution the privilege desired would be entertained.

Mr. Scott moved that the prosecution be allowed to accompany the proof to sustain the fourth count in the charge against Rev. J. R. Graves with a running comment, as requested. Which motion was concurred in.

And then,

Mr. Fuller read the fourth count in the charge against Rev. J. R. Graves, and commented as follows:

#### COUNT FOURTH.

"We the undersigned, members of the First Baptist Church, Nashville, Tenn., charge Rev. J. R. Graves, a member of said Church, and one of the editors of the

Tennessee Baptist, with grossly immoral and unchristian conduct, in that he has, at various times, attacked, slandered and abused ministers and brethren of high character, belonging to our denomination, throughout the country, in his said paper."

Mr. Fuller said:

The public press is, in our day, an engine of immense power. Properly conducted, its blessings are incalculable. When, however, it becomes licentious and demoralizing, it is the most withering curse with which any community can be visited. This is true of newspapers of every class, but especially is it true in relation to those that are professedly religious. The licentious character of the Tennessee Baptist has, for years past, been a source of deep mortification to many brethren, and of irreparable injury to the cause of righteousness in connection with our Churches. The specifications already before you are sufficient proof of this fact. But we proceed.

FIRST SPECIFICATION—DEFAMATION OF REV. DR. FULLER, OF BALTIMORE.

In the Tennessee Baptist, No. 43, dated July 9th, 1853, Mr. Graves thus attacks, slanders, and abuses *Rev. Dr. Fuller*, of Baltimore. Speaking of the session of the Southern Baptist Convention held in that city, in May of that year, Mr. Graves says:

"A few, say three or four, appropriate the whole direction of the Convention to their own control. Great efforts at preaching and speaking, to shine, on the part of D.D.'s, and *dreadful failures*. Alas! alas! that great men and ministers should be *vain and ambitious*; and yet who more so?" "Several local movements, of very *questionable* policy, and *very singular*. Dr. Fuller follows brother Brantly on Sabbath morning, in an *exhortation* of nearly three quarters of an hour! and in Dr. Fuller's own pulpit!! What could have been Brother F.'s motive! Did he not himself request that no one should say one word after he had preached in Nashville, at the previous Convention? Do *ifs* alter cases? Monday night Dr. Baker preached the Domestic Mission sermon. Requested by Dr. F. to be short—*short*, since the Church was going to ordain a young minister, and he himself had the charge to deliver!!—a very embarrassing position for the annual speaker, which he *felt*. Tuesday night set apart for speeches on *Home Missions* and the great West. The time occupied by Brother Shuck, followed by Dr. Fuller on the China field. The importance of the Domestic field, and the progress and prospects of missions in the West, not presented! *Arrangements curiously singular!* Great sensation produced by Dr. F.'s speech. Considered highly inappropriate, inapposite, and *disorganizing*—had no particular point; never would have been taken for a missionary speech, Home or Foreign—was considered personal in some reflections on ministerial dress." "And speaking of *apeing*, we saw a bold specimen of it exhibited by the reprover, viz.: When the Catholic priest enters the Church—his stand—he kneels and pretends to pray in the presence of the congregation, and to be seen by them, and to impress the people with his awe, and reverential feeling, etc. Little Methodist Circuit-riders play off the same trick before their congregations and high heaven, for the same purpose, to be seen of men; and we have seen brother Baptist ministers do the same thing, to our infinite disgust. It always appeared to us to be a species of detestable *apeing*." "How many more than two kinds of prayer are there, *public* and *secret*? Is this minute or half-minute pulpit genuflection, *public* or *secret* prayer? If public or social, why not pray audibly, that the congregation may unite in and be edified by it? If it is intended for secret prayer, why appear in public, and seek thus, like a class of old, to be seen of men?"

Brother Moderator. The Church will see that in these extracts Mr. Graves brings the following imputations against Dr. Fuller:

1. That he is a vain and ambitious man.
2. That his exhortation on Sunday, and his speech on Tuesday night, in his own Church, were ridiculous.
3. That he treated his brethren, especially Dr. S. Baker, with offensive disrespect.

4. That his Tuesday night's speech was disorganizing.
5. That in it he indulged in personal reflections upon his brethren.
6. That in his proceedings he was apeing Catholics.
7. That he prays in his pulpit to be seen of men.
8. That he is a Pharisee.

Put all these imputations together, and what a tirade for one brother to publish of another! What provocation had Dr. Fuller given to Mr. Graves? None whatever. He had treated him with courtesy and respect. The popularity, talents, and piety of our Baltimore brother undoubtedly were his great offence. Could the most malignant enemy have pursued him with more bitterness? In the eye of Mr. Graves Dr. Fuller is vain, ambitious, ridiculous, offensive, a disorganizer, a censurer, apes Catholics, prays to be seen of men, and is a Pharisee. His indulgent readers are expected to believe all this. Doubtless many of them do. What, then, must be their feelings toward that brother? Need one word be said in his defence? I presume not. My only purpose is to prove, as I have now done indisputably, that Mr. Graves did attack, slander and abuse Rev. Dr. Fuller, of Baltimore. This first specification is therefore fully sustained.

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#### DEFENCE.

1. I will ask again, Was this specification ever furnished to me? I am charged in the indictment with having attacked, slandered and abused sundry brethren of high character. I am referred to a paper issued in 1853, only six short years ago, and left to guess what the slanderous words and sentences are the prosecution rely upon to convict me! It never would have entered my mind that my notes on the sayings and doings at the Baltimore Convention were either slanderous or abusive, unless so informed by the prosecution.

2. I wish you to consider well this charge, the article upon which it is founded, and say if it is not a bold attack upon the liberty of speech and the press. There is nothing in my article to sustain this charge. What I reported as done or said at that Convention, *was done and said*. I have the proof. If the follies or idiosyncrasies of any one were "shot through with a dart," it was only in the exercise of my right if not my duty as a conductor of a public press; nor do I hold myself amenable to C. A. Fuller, or any other man, nor to any tribunal, civil or ecclesiastical. I assailed no man's private character, but commented upon his public doings and sayings, and some of them praised and some of them censured, as it was my right to do. This arraignment of me ecclesiastically for this exercise of a civil franchise is both a shame to the man who instigated it and a reproach to a professed religious body that would entertain and prosecute it.

3. What jurisdiction had Elder Howell, or Fuller, or Darden, or the Church over this affair, any way? It was, as all can see, a purely individual affair between Elder Fuller and myself, and no others. If Elder Fuller felt aggrieved, it was for him to come to me and demand reparation. If I refused to hear him, he should have come with two or three brethren. But if I refused to hear them, then, and not until then, have referred the matter to any Church, and only then could any Church have rightly entertained it. The law binds those members of different Churches with the same force as it does the members of the same Church—or it is no law in effect.

You can and should decide here if this offence was not a private, that is, a personal and individual affair, between R. Fuller and myself, and the business of no one else—unless it is a fact that we do acknowledge a pope or popes in our Churches. Will you not say that if Elder Fuller and myself had or have amicably settled any feeling the article may have given rise to, that the matter should and would have ended then and there? that it could not be regarded as a subject of Church discipline? Will you not also conclude that over this matter—commenting upon a public man's public sayings and doings—the Church could have no jurisdiction, unless it had been preferred, after the proper steps had been taken, by the complainant himself in person or by his request or authorization? Is a Church to employ a company of Quixotes to go out in search of matters imaginary or real—the private matters of individuals—to drag them before the Church for ecclesiastical arbitration, censures and penalties? If so, Mr. Fuller should be elected Father Inquisitor at once, with authority over tens and fifties of godly monks and friars to assist him.

4. To the praise of R. Fuller, he has had no hand in this disgraceful matter, but frowns upon it. He knows it is a reproach to our common Christianity. What is the history of that article? Shortly after its appearance I received from Baltimore an article reviewing the *critique*. It questioned one of my statements of facts. I delayed its publication, until I received a courteous note from Elder F. asking as a favor that I would allow that review to see the light. I did publish it, with a certificate from Samuel Baker—whom the statement concerned—confirming what I had stated, for from him I received it at first. Here the little affair died out, except from the book that was kept here.

5. Was Elder Fuller aggrieved with me? Did he consider himself slandered and abused by me? In the fall of 1856, in passing through Baltimore, I attended upon Elder F.'s preaching. I was seated in the midst of the congregation, nor did I once suppose that Elder F. would notice my presence. He had been in his desk but a few moments before he sent a message to me to come up into the pulpit, a thing unusual for him, I am told. I declined. He sent back the messenger urging me to call upon him in the vestry after service—and this last invitation was repeated at night. I had no reason to believe that Elder F. was offended with me. When I saw his name among those on whose account I was to be prosecuted, I wrote him a note of inquiry, and received this brotherly and characteristic reply:

MY DEAR BROTHER:—Your letter has taken me so entirely by surprise, that, although I was leaving the house to meet an appointment, I have come back to reply without a moment's delay.

However "maligned," I could scarcely have hoped that any brethren, so far off, would interest themselves about me. For such a proof of esteem and regard, I would welcome almost any libel. In all truth, however, this is the first intimation I have received of any animosity in your heart toward me.

I remember now that on your return from the Convention, in 1853, you did perpetrate some sentences which seemed to me very uncharitable; and, at the suggestion of a brother, I said as much in the True Union. The thing, however, had wholly passed from my mind. Once or twice since I have seen in the same paper

regrets that you were personally unkind in your remarks about me and others, who differed from you; but I never concerned myself about the matter—never knew or inquired what those remarks were. As to any resentment, I thank God that such a feeling could not, for love or money, find entertainment in my bosom—no, not for an hour.

I know that a man may be, as a man, very amiable, friendly—may be, as you say, an “ardent admirer”—and yet, professionally, as an editor, be very truculent, [fierce, savage.] It is the misfortune of editors that their pens are ever in their hands—the press ever close by—and so they write and print in hot haste, without any counsellor or censor, much which they would neither print nor write had they time to sleep on the matter; and vexed by duns till they are almost undone; harassed by all sorts of scribblers, honestly seeking to enlighten the world; besieged by kind patrons, who must not be offended and cannot be pleased; inundated by all kinds of mysterious (“*horresco referens*”) hieroglyphics; caressed, abused; hearing they “crown him” to-day, and they “crucify him” to-morrow; cheated by subscribers and hawked at by rivals; fretted, chafed, shot at by a hundred insatiate archers; exhausted by lucubrations which nobody reads, and by demonstrations which nobody admits; a martyr to bad debts, bad papers, bad enemies, and worse friends, who can wonder that they are at all times atrabilarious and atrocious, supercilious and savage? that they are a “*genus irritabile*,” and that, however essentially good-humored, they will “*verba et iras ponant*,” as one has said of the lawyers?

For my part, I am not at all surprised if those who breathe the atmosphere of an editor's office are sometimes possessed by a tempter more dangerous than the printer's devil, and dip their pens in gall and wormwood rather than in love.

But I did not intend to say so much. I have never heard of any Church action on the matters you mention. As far as I am concerned, I freely give you absolution, and would enter a *nolle prosequi*. I dare say you are right as to peculiarities which greatly injure my influence among the Baptists. I often find much more fault with myself, and daily deplore many things in myself which might each impair my influence over anybody. If others knew me as I know myself, nobody would love me. But as to praise or blame, I have so often been censured when I tried to do right, and so kindly commended when I deserved nothing, that I now scarcely read one or the other.

I repeat that any measures against you, I never heard of until the receipt of this letter.

May God keep, guide and bless you in all things, through the gospel of Christ.

Yours,

R. FULLER.

BALTIMORE, October 2, 1858.

So much for this specification. I regret to introduce a name I so much respect in this connection, and that it should have been thought necessary to disgrace a Christian gentleman to excite a prejudice against me

#### PROSECUTION.

##### SECOND SPECIFICATION—DEFAMATIONS OF REV. DR. WALLER, OF KENTUCKY.

In the Tennessee Baptist, dated October 28, 1854, announcing the death of Rev. Dr. J. L. Waller, Mr. Graves says:

“We have differed for years, and widely in our opinions [with Brother Waller] on one subject, the propriety of receiving the immersions of Campbellites and Pedobaptists as valid, and communing with such.”

In the Tennessee Baptist, dated August 4, 1855, speaking of the “Recorder when under Brother Waller's control,” Mr. Graves says:

“Its guns are spiked with Campbellite gold and Campbellite influence.”

The Long Run Association, that of which Dr. Waller was a member, and which embraces the Churches in Louisville, at its meeting for 1855, referring to these and many other similar defamations by Mr. Graves, adopted and published the following resolution: (Tennessee Baptist, December 8, 1855.)

“Resolved, That while it might have been expected that from interest, prejudice, or misapprehension, some would fail to do justice to the character of one led so often to reflect upon and expose their errors, it is with the deepest mortification that we find some Baptists volunteering to disparage his wisdom and becloud his memory; especially are we astonished that a Baptist editor, in no equivocal manner, by slight implications, invidious reflections, occasional assumptions, elaborate editorials, adroit appeals for patronage, and articles of correspondents prepared to order, or with instructive reference to their destination, has been industriously and long been seeking to create the impression that he has proved himself a more enlightened, consistent, and faithful expounder of the principles and usages, and defender of the cause of the Baptists, than the illustrious and lamented Waller. Of the truthfulness, modesty, and disinterestedness of the assumption, let enlightened Baptists of the present and future generations judge.”

Thus did that large and talented Association think itself obliged to vindicate the character of the noblest brother among them, then so recently deceased, from the aspersions of Mr. Graves, who, upon reading this rebuke, was obliged to say—Tennessee Baptist, December 8, 1855—“The allusion is undoubtedly to ourself.”

Consider, if you please, brother Moderator, these several extracts. What are the imputations they contain?

1. He maintains that Waller was an Open Communionist, and otherwise a man of loose principles.
2. That he had been bribed by the Campbellites, and therefore durst not in his paper advocate true Baptist principles.
3. That he, Graves, and not Waller, was the true champion of the Baptist Churches and people.
4. When these defamations were set forth and Dr. Waller was defended by the Long Run Association, Graves was excited to frenzy, and waged battle with them all.

Brother Moderator, and brethren, you knew John L. Waller personally. Was he an Open Communionist? Was he a man to be bribed? Was he a false or feeble advocate of Baptist principles? Why did Mr. Graves thus assail Dr. Waller? Was he, as some others have been, in Graves' way? Could he not bear Waller's popularity and greatness? Truly, “pride goeth before destruction; and a haughty spirit before a fall.”

Brother Moderator, can there be any doubt that Mr. Graves did attack, slander, and abuse Dr. Waller of Kentucky?

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#### DEFENCE.

1. Brethren, the sacred precincts of the grave have been invaded, and the ashes of the lamented dead stirred, to find some master weapon, sacred by its association and long repose, to use against me, to excite the personal feelings and resentments of a large circle of living relatives, and tens of thousands of ardent personal friends and admirers of the departed, against me. You can see the dilemma into which the cunning policy of my unscrupulous prosecutor has thought to place me: to arouse the personal feelings of the thousands of the devoted friends of the deceased, by attempting to justify myself against one no longer able to reply, or to confess myself guilty by refusing to vindicate myself! I shall do neither. Because, in the first place, over the past newspaper misunderstanding or war between Elder Waller and myself, the Church has no jurisdiction. The relatives of Elder Waller, not Mr. Darden, Mr. Fuller, nor Elder Howell, are the ones to complain, and demand satisfaction of us, if they are aggrieved; and we here declare that we will

at any time confer with them about the past connected with their relative, or submit any matter of complaint to the decision of mutual friends. But I have yet to learn that I do not enjoy the personal regard of one or more of the brothers of the late Dr. Waller. A certain Dr. Jones, in this city, is more aggrieved than any man I ever heard of, for some reason.

It is true that Elder Waller and myself, as editors, did differ, and differed widely on several matters pertaining to Baptist practice, and we each with our several abilities defended our views before the public, and criticised, sometimes sharply, each other's articles; but for Brother Waller personally, I had an early attachment, and ever held him in very high regard.

I have the evidence that, widely as he differed from me in some things, yet personally he held me in fair regard. I submit two editorials from his pen, one written in 1852, and the other the year before his death.

J. L. Waller, in January, 1852, thus notices the editor of the "Tennessee Baptist" in his paper:

"Our distinguished brother of the 'Tennessee Baptist' is again at his post, after a protracted absence of some months, during which he has had full many a logomachic tilt with the champions of Pedobaptism, and in every encounter his opponents were made to bite the dust. Every means and every weapon which wickedness could suggest have been employed for his destruction, but he has escaped without a wound and without a scar."

In his paper of July, 1853, J. L. Waller thus testifies concerning the editor of the "Tennessee Baptist":

"REV. J. R. GRAVES.—The distinguished editor of the 'Tennessee Baptist' spent last Sabbath in our city. . . . He spent several hours in our room, and we had much conversation on the great topics of the day. The interview was every way pleasant and agreeable. We have known Brother Graves long and intimately, and a kinder, but bolder heart, throbs not in the bosom of any man. He combines the meekness of the lamb with the boldness of the lion. He is yet young, but has done great good. May he live long to bless the cause of truth by his labors."

2. It may be well and just to present here an explanation of what we meant by the language quoted in the first specification, an explanation offered at the time, and satisfactory to every reasonable man on the earth who had no ends to serve by refusing one.

"Brother Ford says the mistake is this, that Brother Waller was in favor of communing with immersed Pedobaptists or Campbellites. So long as they remained in their own societies we know he was not, but after they were received into Baptist Churches, he was.

"We confess our language is ambiguous. It expresses the conclusion in our own mind. Had we said, 'and thereby communing with *such*,' i. e., such unbaptized persons as came to us, our language would have expressed our meaning. . . .

"Let our readers distinctly understand that we meant not to charge, and do not, that Brother Waller advocated communing with Pedobaptists or Campbellites while they remained in their societies; but that he advocated the *receiving of and communing with such*, provided they would consent to take our name."

The above being submitted, the Chair appointed E. A. McNeal, H. Carver, W. C. Rutland, committee on the above. Elder Ham, of Kentucky, who was a warm friend of J. L. Waller, being present, on motion he was requested to act with this committee; Elder Graves being accused

in the second specification, of publicly defaming the character of J. L. Waller, of Kentucky.

Third specification was read as follows :

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PROSECUTION.

THIRD SPECIFICATION.—DEFAMATIONS OF REV. DR. EVERTS, OF LOUISVILLE.

The assaults of Mr. Graves upon Dr. Everts' Church, and upon Dr. Everts himself, of Louisville, Kentucky, have been most flagrant. As to the former, in a note, dated September 13, 1858, Dr. Everts says :

"In regard to Elder Graves' course toward Louisville Baptists, and myself, I would simply say that he admitted an *anonymous* article into his paper, seriously reflecting upon the Walnut Street Baptist Church and pastor, and containing both *palpable falsehoods* and *miscolorings*. Dr. W. B. Coldwell wrote an answer in explanation, and vindication of our Church, which, as he did not wish his name brought before the public, I forwarded, authorizing the use of my name as responsible for the article. But though an *anonymous* slanderous attack had been published, the *endorsed* vindication was rejected as anonymous. Meantime another anonymous article was allowed to appear, *reasserting* the former slanders, and sowing seeds of distrust and strife. Whereupon, another brother, (T. A. Reed,) of this city, formerly a friend of Graves, wrote to Graves, remonstrating against the injustice he was doing to the Walnut Street Baptist Church and pastor, by his anonymous and slanderous publications, and setting us right before the readers of the Tennessee Baptist. This letter was not allowed to appear. Still a third, and I think a fourth slanderous article was allowed to appear anonymously, with, I believe, new editorials, and enforcements, etc., etc. Brother Reed, after waiting for the appearance of his first communication, sent a second; and after waiting a considerable time for the appearance of that, wrote a third. Whether he was discouraged from forwarding the third, from what seemed persistent purpose to withhold justice, I know not. But some time later, Wm. Garnet, in the Western Recorder, in a short article, challenged the name of the writer of these calumnious articles, and pledged himself to prove *five palpable falsehoods* in them, as well as *gross miscolorings*, if a responsible name were given. All this passed, but no *justice* was ever done to us by the Tennessee Baptist, or *apology* offered. And to the publicity given to slanders by that paper, without correction, we trace the jealousies and distrust that have obtained against the Louisville Baptists to this day, throughout the South-west. Fellowship and confidence have been impaired, and jealousy and distrust spread, by the injustice of the Tennessee Baptist."

Dr. Everts further says : "A year ago last May, in the presence of Dr. Eaton, these matters were talked over with Elder Graves. He made explanations, and removed some of my objections to him *personally* in the matter, by attributing the responsibility to some persons in Kentucky, whom he had trusted, and whom he had [then] learned to distrust as designing and mischief-making men. As my mind was disposed to charity, and I believed Graves a *perfect* man compared with some among us, I considered the matter settled, and, at Graves' request, last January wrote him to that effect, and he published my letter in the Baptist, I think, in February or March."

This matter of falsehood and slander may be considered by Dr. Everts settled so far as he is concerned. That, however, does not relieve this Church from the responsibility of looking into it, and relieving itself from any complicity in these crimes by administering to their perpetrator a just and scriptural rebuke.

Mr Graves' assaults upon Dr. Everts himself were still more flagrant. At the meeting of the Long Run Association of Kentucky for 1855, which includes the Churches of Louisville, and of which J. L. Waller was a member, a committee made a report for publication in its minutes, expressive of the feelings of that body in regard to the death of that distinguished man. Of that committee Dr. Everts was chairman. The report was brief, and closed with three resolutions.

The first lamented his death as a great loss to the Baptist denomination; the second referred to him as one of the wisest and most effective champions of our cause, and the third deprecated the attacks which even some Baptists, and Baptist editors, naming none, however, specifically, had made upon him. In the Tennessee Baptist, No. 14, dated December 8, 1855, referring to this report of a committee generally, of which Dr. Everts was chairman simply, and to the last resolution especially, Mr. Graves says:

"The allusion is undoubtedly to ourself. It excites no emotion in our heart, but the deepest sympathy for the poor man whose heart and head were in a condition to deliberately elaborate such a specimen of malignity, *insane*; for Elder Everts' madness toward us seems to overcome his reason, sense of propriety, and sober judgment. What an indignity to the departed dead, to have such an epitaph [the resolutions] engraved by the hand of the Association of which he was a member! What an insult offered to the Association! When they should be called to weep—to balm the memory of a loved and departed brother with tears of sacred affection and holiest recollections, to have every fiend in their natures addressed, their basest feelings appealed to, and the intensest hatred excited toward a living brother in Christ! [that is, J. R. Graves.] Whom did Elder Everts gratify by his own insatiate thirst for revenge? Is such an offering acceptable to the surviving brothers and sisters of Brother Waller? We know them better, for we know most of them well. Whom of the fifty-eight delegates [who by the way voted for them] did he gratify? How many were prepared to affirm the charges embraced in the resolutions? It was a morsel sweet to the palate of Elder Everts alone—a morsel that he deliberately prepared in the solitude of his study, in which, we suppose, he made his books of *prayers*! Wonder if he knelt down, and read one of those prayers over this so-called 'Report on the death of the lamented Waller,' but in fact a malignant aspersion of a brother minister! To our readers we need not say that the resolution is a compound of falsehood in the *general*, and in the *concrete*; that it seems imbued with the intensest malignity! It is an attempt to skulk behind the body of a dead brother in order the more effectually to strike a living one through the heart. The labor of Elder Everts and *all those* who carp so much about injury done [by J. R. Graves] to Brother Waller's fame, evidently is not so much to excite admiration in the hearts of Baptists for Brother Waller, as prejudice and hatred toward ourself—not [so much] to call attention to his virtues, as to failings attributed to us. In behalf of our late brother Waller, and in behalf of his surviving relatives, we entreat the Long Run Association at its next session to reconsider, and expunge this resolution from its minutes; [which, however, they never did, but adhered to it:] and, in the place of a slander upon a living brother, insert an honorable encomium upon the departed one. Whatever may be our transgressions, such obituary notice is a burning shame to any Baptist Association—a disgrace to civilized humanity."

Mr. Graves further says in the same paper:

"We have read the above resolutions in the columns of the *Western Recorder*! By whose agency or advice were they inserted in the *Recorder*? The Association did request it. Did Brother Cooper, the local agent, insert them without consultation or advice? He has no cause to asperse or defame us. Did the [editorial] Committee, Dr. Coldwell, Tyler, and Branning, order their insertion? But *they* are cultivating *peace*, and *never say, do, or have done*, aught to our prejudice or injury. It would falsify *their professions*; prove *them the most arrant hypocrites* under the sun, to accuse *them of ordering or conniving* at the insertion of such an abusive article. Who but the author—Elder Everts—secured their republication in the *Recorder*? the last sting that the unsanctified spirit that conceived them saw the means of inflicting! The man who could prepare such resolutions to read over the dead, can do any thing that he imagines the cloak and profession of religion will cover. Such a man make prayers for Christians to read and study, in order to imbue their souls with the spirit of Christ!! The worst wish we wish Elder Everts is, that he may be brought to see this act in the light that every unprejudiced Christian looks upon it, and repent of it; and for the honor of a common humanity, and Christianity, if *he will asperse and slan-*

der his brethren, take some other occasion than an obituary notice to do it. We regret to be called upon to rebuke so severely, but such an act is so *flagrant*, that *no reproof can equal it*. Nor will we wink at such acts, though perpetrated by a *Baptist minister*—though a D.D.”

Brother Moderator, a summary of the iniquities of Mr. Graves developed in this specification need not be made. The whole exhibition is outrageous in the highest degree. Can a Christian man conduct himself in this manner? It seems to me impossible. Yet Mr. Graves professes to be a Christian and a minister of Christ. As a member of this Church we are considered as endorsing him, because we have not called him to account. But my object here is to show in what manner and style Mr. Graves in his said paper attacked, slandered, and abused Rev. Dr. Everts, of Louisville. Nor has he, to this day, that we have seen, or heard of, in any public way, withdrawn or apologized for his offensive assaults.

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#### DEFENCE.

1. We have here a new sort of judicial process inaugurated with the case of Elder Everts, D.D. Two brethren have a misunderstanding—they blame each other—afterwards meet, talk over, and explain and settle all things honorably. But one of them still retaining his grudge, seeking the time when his brother is about to be arraigned before his Church, and upon some allegations, without so much as apprising his brother, calls upon the Church to try him for slandering and abusing him, and he will be witness in his own case, to avenge his grudge upon this brother. The Church at once entertains the case with no other preparation, and, without giving the accused a solitary specification, summon him to trial! The case comes up. The prosecutor presents Elder Everts as witness for himself. “Elder Everts, has the accused misrepresented or abused you?” Elder Everts: “I think he has.” Without examining the merits of the matters in controversy between these brethren, without regard to the fact that the matters had been amicably and religiously settled between these brethren, of which there was a certificate given by the accuser himself, yet the Moderator says, All who believe the accused has mistreated the accuser, will stand up; and *all stand up!* Thus judgment is trodden down in the street, and thus the sacred name of the Church of Christ is used for private ends—as an instrument with which to wreak private vengeance.

I present here the proof of an amicable and honorable settlement of all the matters referred to; and having, after solemn prayer, pledged our Christian honor—after having taken all the sanctions of an oath, to bury the past and recall it no more, I cannot revive it here, even though Dr. Everts has shown he can violate his solemn pledge:

*Card of W. W. Everts published in Tennessee Baptist, January 18, 1858:*

I have ever believed that however we might differ on some points of expediency and denominational usage, we should never have been involved in any disagreeable misunderstanding without the intervention of others. I have believed this, because I have ever regarded you, where not prejudiced, strongly disposed to justice and magnanimity.

I am happy to state that your personal explanations in our interview last May (1857) relieved your cause, as it regards myself, of its most objectionable features,

and restored friendly correspondence. Nor have I seen any thing to complain of in your subsequent conduct toward myself.

2. Since Dr. Coldwell, J. A. Reed, and Wm. Garnett, are named as parties to certain matters, the merits of which no more than those of the matter complained of by Elder Everts, were at all known to the party that decided upon them, and as unknown to you, I here declare myself ready to meet those gentlemen if they are aggrieved, and settle the matter between ourselves, or submit them to five or seven impartial arbiters.

3. I regret most profoundly ever to have written as I did of Elder Everts with reference to his Report before the Long Run Association, in which, under cover of a eulogy upon the dead, he made a most outrageous assault upon me. I regret that I ever gave such a full expression to my outraged and lacerated feelings, tenfold aggravated by the unscrupulous advantage he saw fit to take of me and of the Association. I never expect to be so overcome by temptation again; I hope not, I pray I may not be; but I never did and never expect to recall the loathing disgust I then and ever have felt at that act. It was upon explanations forgiven, and it stands forgiven yet. No tribunal but the final one has cognizance over matters concerning Elder Everts and myself that transpired prior to May, 1857.

[Since the adjournment I have come in possession of some facts respecting the moral character and the unprincipled course this Everts has pursued toward others, which I here submit to the Church.

I submit here the published appeal of one of the most talented ladies of Kentucky to the Baptists of her native State, for protection against the alleged slanderous insinuations of this man—with a written confession of his guilt! This sister is no other than the author of Grace Truman. I submit her appeal upon its own merits.

W. W. EVERTS—THE ACCOMPLISHED SLANDERER—HIS LAST ATTACK.

This man, who, for three years past, has been so assiduously laboring to prostrate and destroy my husband by every unholy means that his cunning and ambition could devise and execute, has at last made a most shameful attack upon my character as an *honorable woman and a Christian*, by insinuating that I have robbed both the dead and the living. Not boldly and outspoken—cowards never act thus. He is one of that class who

“Convey a slander in a frown,  
And wink a reputation down.”

I would not thus appeal to the public did I believe there was any hope of reclaiming him from the error of his way, or silencing his envenomed tongue by any private adjustment.

But the man who, when caught disseminating known falsehoods, would give the following retraction and pledge, which *honest* people call a *lie-bill*—

“I regret that I have repeated reports, coming from what appeared to me at the time to be reliable authority, affecting S. R. Ford’s character; but on inquiry find no evidence that these reports are true, and pledge myself to refrain from repeating them in future.

W. W. EVERTS.

“LOUISVILLE, Ky., May, 1857.”

—and then, after signing such written statement in the presence of four reliable brethren, would break that solemn pledge, and continue to circulate the same

slanders after acknowledging their falsehood, and this, too, on the same authority—that man will not be bound by any law of morals or honor. The only refuge from the slanders of such a man is an appeal to the public.

He has, by insinuations like the following, tried to set the rumor afloat (and I presume has succeeded to some extent) that J. L. Waller was the author of "Grace Truman." He whispers thus (and those who know the man will recognize the picture:) "The brethren all say that it is a very strange thing, indeed, that the book, Grace Truman, should appear so soon after the death of Dr. Waller. Now we all know that Dr. Waller had written a work on Communion, and Grace Truman contains good arguments on that subject, good arguments, logical reasoning. And the brethren all think it strange, and cannot help expressing themselves thus, that Grace Truman should appear so soon after Dr. Waller's death, when we all know that works of Dr. Waller are missing."

For these slanderous insinuations I hold W. W. Everts responsible, and demand his proof.

I appeal to the Baptists of Kentucky, and of the South and South-west, to say whether I am to be thus shamefully traduced to gratify the insatiable vengeance of this ambitious and unscrupulous man. I appeal to every true heart to decide. Is there no defence for me against this man's covert slanders? Am I to be defamed—represented as a vile creature, who would filch from the dead and rob the orphan children of J. L. Waller, and this merely to gratify the base enmity of this reckless man? "Rule or ruin!" He *cannot rule*, and is therefore determined to ruin. And am I to be his next victim? What have I done?

Baptists of the South and South-west! Baptists of Kentucky—from whom I claim the protection of birthright and nurture—I leave it with you to vindicate me from the covert and dastardly attacks of this man Everts. With you I leave my cause. I am confident that justice will be done me at your hands.

Again, I repeat that W. W. Everts' insinuations are vile and slanderous, and demand from him proof, and the names of "the brethren."

May God forgive him for this great wrong, and lead him to repentance.

SALLIE ROCHESTER FORD.

I submit to you also the closing paragraph of a pamphlet put forth by Brother Silas J. Evans, of Kentucky, in defence of himself against this Dr. Everts, containing a statement by one of the leading Doctors of Divinity of the North, who, I suppose, has known Everts from his boyhood up. Rufus Babcock, "D.D.," was for many years the Corresponding Secretary of the American and Foreign Bible Society, New York. Here is the paragraph and "Dr." Babcock's statement:

I wish it distinctly understood and remembered, that whatever I have said about W. W. Everts *previous* to this difficulty, had reference *only* to his ministerial teaching and practice. I had never, up to that time, said one word about his private or moral character, *never*. They dare not accuse me of it. My reference now to his abolitionism and the affidavit-matter is only introduced in confirmation of what I knew of his unscrupulous duplicity. I might now add, that, were it necessary, I might show that he got up, arranged for publication with printers, and has published pamphlets of the most libellous character under the names of others. I might show that, when convicted years ago of slandering a brother minister, he gave what amounted to a libel. But, as a sample of what I might introduce from the highest authorities, I extract the following from a letter written by a man well known among Baptists throughout the Union. It is from Rufus Babcock, D.D.:

"Having evidence, years ago, which convinced me of his (Everts') unscrupulous character for untruthfulness, my own self-respect and regard for peace determined me to have as little to do with him as possible. RUFUS BABCOCK."

After seeing the written confession of slander given to Mrs. Ford, and her statement of his course, in connection with what Elder R. Babcock

testifies concerning W. W. Everts' well-known character, I am no longer astonished at either the course he pursued towards me in the Long Run Association, nor the violation of the sacred obligations of our settlement in May, 1857.

With Elder Graves's defence, the third specification of fourth charge was referred for examination to W. D. Baker, E. W. Vaughn, L. H. Barnes. Fourth specification of fourth charge read as follows:

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PROSECUTION.

FOURTH SPECIFICATION.—DEFAMATIONS OF REV. DR. DUNCAN, OF NEW ORLEANS.

Mr. Graves is charged with having attacked, slandered, and abused Rev. Dr. Duncan, of New Orleans. In a note dated at New Orleans, June 8, 1858, Dr. Duncan says:

"I send you a copy of the pamphlet about J. R. Graves." "The Dictator ought long since to have been put down, as far as his Church can effect so desirable an object." It is entitled—"New Orleans Weekly Baptist Chronicle," dated November, 1854, and contains the "Defence against the false charges and misrepresentations of Rev. J. R. Graves." In this paper he thus addresses you: "We call upon the Church of which Mr. Graves is a member to listen to the allegations which we now make against him, and substantiate by proof that cannot be gainsaid, and when they have heard, to act in a manner becoming their position and responsibility." He definitely charges Mr. Graves with "*Misrepresentations, in three modes,*" and says: "On these three counts we distinctly charge and arraign J. R. Graves for *falsehood.*" The paper then goes on to establish, and does establish these charges incontestably. Dr. Duncan further says: "We deem it proper to call the attention of the South-west and South to some among his numerous falsehoods and misrepresentations. This is done, *not so much* to defend the reputation of the senior editor, [of the Chronicle,] who personally feels himself beyond the reach of the envenomed shafts hurled by so unrighteous a hand, as to show Southern Baptists what is the moral character of *him* who seeks to destroy a press that is laboring, and has long labored, for the denomination; and *who*, as the conductor of a Baptist paper of wide circulation, has it in his power to inflict much evil upon our cause, and to bring destruction upon many of those who, doubting the propriety of his course, openly express their disapprobation. If the Tennessee Baptist be sustained in its conduct toward the senior editor of the New Orleans Chronicle by the voice of the denomination in the South-west, or any large part of it, then have we established among us, and over us, a dictator that will henceforth rule us with a rod of iron. If an editor among us can attack personally any Baptist whom he pleases, and then exclude him from all defence before the same tribunal; if he can do this unrebuked and unpunished, our denominational freedom is gone."

Mr. Duncan further says: "It is with a very sad heart that we enter upon this matter. God knows that we have tried to avoid it. He has several times proposed arbitration of the points at issue between him and the editor of the [Tennessee] Baptist, but these proposals were treated with silence, or rejection. He [Duncan] has asked repeatedly to be allowed a defence in the columns of the Tennessee Baptist, and has as often been refused. He has written private letters, requesting that these repeated acts of hostility should cease, or that responses should be allowed in the [Tennessee] Baptist, but the attacks have not ceased, and the responses have not been allowed. Such has been the state of the matter for more than a year. It is impossible to get a show of fairness, much less justice, from the [Tennessee] Baptist. Not only has it not published Mr. Duncan's answers, but it has not stated even in its own words the substance of his replies, and has never to this day even given a true statement of the leading views enter-

tained by Mr. Duncan on the points on which he has been so mercilessly attacked by the [Tennessee] Baptist."

Dr. Duncan concluded his "Defence" thus: "But enough." "Let Baptists read what we have said. God is our judge that we have acted with much reluctance, and after striving to settle this difficulty with Mr. Graves in some manner less objectionable, and less painful to the feelings of all interested. Mr. Graves will not listen to reason. Did we think him merely misled, we should do otherwise than this; but the evidence of his intentional wrong-doing, of a cherished purpose to crush the Chronicle, and all connected with Professor Duncan, (if he can,) is to our mind as clear as the sun at mid-day." "We deliberately arraign J. R. Graves, Baptist editor of Tennessee, before the denomination, on the charge of *repeated falsehood and misrepresentation*. Our proofs have been adduced. Judge between us, ye that are interested. Acquit him of falsehood if you can. Acquit him of misrepresentation if you can. One thing, however, do: say now whether a man so careless of truth, so hasty, so fell in his hostility, so incapable of discussing any subject with candor and fairness, so unjust to his opponents, is fit to lead, nay, to govern, (for govern is what he is clearly trying to do,) the denomination in the South-west. Decide now, Baptists that are free, whether the despotism of this man is to stand, or fall. His committed partisans no doubt will uphold him, be he false, or be he true. But will the intelligent, the thinking, the freedom-loving among our Baptists, defend and sustain him in this high-handed course of injustice and iniquity?"

Our charge against Mr. Graves is, that he has in his paper attacked, slandered, and abused Rev. Dr. Duncan, of New Orleans. And if Dr. Duncan is to be believed, if the testimony in this case now before you, deliberately prepared and published by him to the world, is reliable, those attacks, and that slander and abuse, were most flagrant. I call upon the Church to notice as follows:

1. Mr. Graves is guilty of uttering against Dr. Duncan "numerous falsehoods."
2. Mr. Graves is guilty of perpetrating against Dr. Duncan "numerous misrepresentations."
3. Mr. Graves refused Dr. Duncan the privilege of replying to these assaults through his paper, in which they were made, although it was frequently solicited.
4. Mr. Graves refused to state, even in his own words, the substance of Dr. Duncan's replies, and also to give a true statement of Dr. Duncan's views.
5. Dr. Duncan several times proposed to Mr. Graves a private arbitration to settle points at issue between them. Mr. Graves rejected his overtures.
6. Dr. Duncan appealed to this Church. The case is now at last before you legally and formally. You are called to pronounce upon it, and you will pronounce upon it fearlessly, as the word of God may seem to you to demand.

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#### DEFENCE.

1. Precisely the same novel process is observed in this case which was inaugurated in that of another young Doctor of Divinity.

An editor reviews an author's book, and to the best of his judgment decides that its teachings are erroneous, and the book unfit for general circulation. The author, as authors almost if not invariably do when their books are censured or condemned, becomes enraged, and declares that the reviewer has grossly abused him and misrepresented his book. The reviewer justifies his opinion to his tens of thousands of readers, by ample quotations from the pages of the book itself. To avoid their force, the author pronounces the extracts garbled. The reviewer is now reduced to the necessity of republishing the whole book in his paper, or advising his readers to purchase the contraband article, in order to sustain their

editor's opinion; so the author, by this turn upon his reviewer, gains one great end—the sale of his book.

But this author, some seven or eight years after, finds his reviewer is about to be charged before the Church, a majority of which is determined upon his conviction, and solicit complaints from all quarters—thinks his opportunity has at length come, and charges his adversary with abusing him and misrepresenting his book in numerous instances, etc. The charge is entertained, and when the time comes the prosecutor brings in the charge, the accuser himself furnishes the specification, and when the proof is called for, *the accuser testifies that his specification is correct!* So, in fact, the charge is the accuser's, the specifications the accuser's, and all the testimony brought forward to sustain both charge and specification is the simple declaration of the accuser—an interested party, and one entertaining ill-will toward the accused! After this sort of "trial," and upon such proof, the vote of the Church is taken, and the verdict is unanimous that the accused is guilty! Was ever such a farce acted outside of the Inquisition since the dry land appeared!!

2. I may have misrepresented Mr. Duncan as editor of the N. O. Chronicle. I may have as the author of a work generally repudiated by Baptists and pronounced before I examined it, as I pronounced it, an unbaptistic and pernicious book by a large Baptist Association in Mississippi. I say this may be the case, but *it was not even attempted to be shown*, beyond the mere say so of Mr. Duncan himself. Would you examine into my guilt or innocence in this case, I here furnish you with the file of our paper and the "Dutch Book," as it is called, and you can decide between the author and myself. If you can conscientiously take cognizance of this case—and as the First Church of Nashville you have for five years refused to notice it, and those from whom you lately withdrew agreed with you for five years that it was not your province as a Church to decide the constantly arising disputes between authors and their reviewers—I say if you can now waive your objections, I solicit you, aided by this large and intelligent Council, to spend a few days in comparing the reviews with the leaden pages of John the Baptist. If you find me guilty, I will defer to your judgment without a murmur. Till then I affirm my previous judgment, that the book is unbaptistic and of pernicious tendency.

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#### PROSECUTION.

##### FIFTH SPECIFICATION—DEFAMATIONS OF REV. MR. TUSTIN, OF CHARLESTON, S. C.

During many months past Mr. Graves has been attacking, slandering and abusing Rev. J. P. Tustin, of Charleston, South Carolina, in a style and manner very similar to that which characterized his pursuit of Dr. Duncan, just now considered. All who know any thing of Mr. T. or of his paper, know him to be courteous, gentlemanly, and polished in all his intercourse and writings. He is received and endorsed by his Church in Charleston as a true Baptist, sound in doctrine, and in morals unimpeachable. He is also endorsed by the Southern Baptist Publication Society, having for several consecutive years been appointed its Corresponding Secretary, which office he continued to fill until he voluntarily declined a reappointment, but still continues one of its directors. This is the man that Mr. Graves has been denouncing for more than a year past as a Pedo-

baptist in disguise, a Presbyterian in principle, and a secret open-communionist. The truth of all this Mr. Tustin earnestly and persistently denies. His brethren also, who know him intimately, declare that all these attacks upon him are slanderous, and the imputations unjust. This, however, makes no difference with Mr. Graves. He goes on with his slanderous declarations just as if nothing had been said nor any denials made.

The origin of this attack seems to have been as follows: Rev. J. S. Baker says in the *Christian Index*, Vol. 37, No. 17, dated April 28, 1858:

"In the year 1855 I wrote a series of articles which were published in the *Tennessee Baptist*. In a note appended to one of the articles is the following statement:

"I am credibly informed that one of the principal advocates of the resolution proposing to invite Pedobaptists to seats with us at our Biennial Convention in 1855, has said that he would have no scruples in communing with them at the Lord's table, if it were not contrary to Baptist usage."

This produced no hue and cry at that time—led no one to question the truth of the information I had received; but since brethren have allowed their feelings to become exasperated by the disgraceful warfare which they are carrying on against each other, repeated allusions have been made to it by editors and others.

"As soon as I discovered that Brother Tustin was the individual supposed to be referred to by me, and before I knew that Brother Graves had adduced it to convict Brother Tustin of holding sentiments favorable to mixed communion, I wrote to Brother Tustin, informing him that my reference was *not* to him, but to 'a popular' (or 'prominent,' I am not certain which word was used) Baptist minister of Georgia."

This denial by Dr. Baker, which was also communicated to Mr. Graves, had no effect. Mr. Tustin was Corresponding Secretary of the Southern Baptist Publication Society, and although Mr. Graves afterwards charged it upon Dr. Dawson, still he held on to his charges upon Mr. Tustin. True, he professed to have proved it by certificates. You have, however, but too many evidences that certain men can prove by certificate about any thing they choose to prove. A man declares that he does not believe a thing and never did believe it. But no matter for all this, Mr. Graves proves by certificates that he does believe it! Upon some of you this game has of late been very conspicuously played. To extract but a small part of what Mr. Graves has said, would of itself occupy hours of your time. Two or three articles are sufficient for our purpose.

In the *Tennessee Baptist*, No. 49, August 15th, 1857, Mr. Graves, speaking of Mr. Tustin, says:

"Did we seek to ruin him, it is in our power to effect it as easily as we write this paragraph." "He [Tu-tin] denies that he ever admitted his preference for the *Presbyterian* form of Church government over the *Baptist*; and also, if he knew an open communion Baptist Church that was *respectable*, he would hook on to it."

Mr. Graves affects great surprise at these denials. And in the *Tennessee Baptist*, No. 50, August 22d, 1857, Mr. Graves says, derisively:

Mr. Tustin, "A Charleston *Baptist* minister, and Corresponding Secretary of the Southern *Baptist* Publication Society!!! receiving a thousand dollars per annum as the *pastor* or supply of a Pedobaptist Society!"

To preach regularly in a Pedobaptist house of worship may be a great sin. If any of you think so, I beg to call your attention to the following, in the *Tennessee Baptist*, No. 26, March 6th, 1858, in which article Mr. Graves says:

"Through the kindness of the New School Presbyterians, we have been invited to occupy the large Presbyterian house, [in Gallatin,] two Sabbaths in the month, until we can erect one."

Mr. Graves accepted this invitation, as you know, and has been preaching in that house now more than a year! Why, then, does he condemn Mr. Tustin for like conduct?

This specification needs no analysis. It is certain that Mr. Graves has attacked, slandered and abused Rev. J. P. Tustin, of Charleston, South Carolina.

## DEFENCE.

1 This defence of Mr. Tustin by those whom he has so long and so faithfully served as editor of the *Southern Baptist*, by keeping us engaged in a fierce personal controversy for so many months, in order that Elder Howell and his party could be supplied with material out of which to manufacture charges for this trial, is indeed a poor return—it is positively unkind and ungrateful.

2. Have you examined closely this specification and the proof brought forward to sustain it? It is quite as remarkable as those we have examined, and *very similar*.

Look at the argument. Mr. Tustin is endorsed by a Church in Charleston as a sound Baptist, no proof of which is in our possession; he is endorsed by the Southern Baptist Publication Society, of which Society he is Corresponding Secretary, and he therefore must be considered as above suspicion in all respects. Now Mr. Graves says this Mr. Tustin has expressed open communion and Presbyterian sentiments, and Mr. Tustin earnestly and persistently denies it; therefore it is evident that Mr. Graves is guilty of attacking and defaming Mr. Tustin. The vote is taken, and it is unanimously decided that Mr. G. is guilty! We are not misrepresenting the case; if so, let this Church and Council agree in rebuking us. I say this caricature of a trial was enacted in what claims to be the First Baptist Church, Nashville, under the solemn sanction of religion, under the direction of Elder R. B. C. Howell, pastor, and C. K. Winston, Moderator. For the honor of the Baptist name I would not have made public this scene unless forced to do so. Some great lesson useful to our people is to be learned from it.

3. It is not true, as stated, that the note of Dr. Baker was the origin of the controversy between Mr. Tustin and myself. It had very little to do with it, and then only incidentally. It originated in Mr. Tustin's gross attack upon Old Landmark men, the bigotry and inconsistency of their principles and practice. I contrasted them with the consistency of his expressed views of the terms of communion and Church government, and his well-known practice of preaching regularly as pastor *pro tem* to a Pedobaptist Society in Charleston, for \$1200 *per annum*.

He flatly denied that he had expressed views favorable to open communion, and demanded my authority, and I gave it as follows:

## V. T. SMITH'S TESTIMONY, COLUMBUS, GEORGIA.

"In a conversation with Brother Tustin on this subject, I understood him to say that he saw no positive command in the New Testament making baptism a prerequisite to the communion service; that *he* regarded it a social exercise such as prayer-meeting, to which all true believers might with propriety be invited; that if he could find a strong Baptist Church holding such views, he would not object to becoming its pastor."

He denied that he had expressed himself as preferring the Presbyterian form of government to the Baptist form, and demanded our authority, and we gave it as follows:

## ELDER B. F. SHARP, OF PERRY, GEORGIA.

"In returning on the Macon and Western Railroad, Brother Tustin and I were sitting on the same seat, when the sermon, [preached by Mr. Tustin in Atlanta,] and especially that part of it which referred to government, was made the sub-

ject of conversation. He expressed his opinion that ours was purely and only a democracy, and gave that as a reason why he preferred the Presbyterian form, which he considered republican. He gave, among other reasons for preferring this, 'that a pastor of a Baptist Church is not secure against any question which may be sprung upon him at any time.' This he considered a necessary result of our form of government, from which the Presbyterian was free."

He denied stoutly and repeatedly that he had privately attempted to destroy the credit of the firm of Graves, Marks & Co., and we proved it as follows :

V. A. GASKILL, OF GEORGIA.

"The last time the Georgia Baptist Convention met in Savannah, [May, 1856,] I heard Brother Tustin speak disparagingly of the firm of Graves, Marks & Co., if I understood him. I cannot give you his language. I think he expressed to me as much as to say that the above-named concern would soon break, and that its pretensions every way far surpassed its merits."

He became bitterly personal, having been so thoroughly exposed, but we endeavored to follow him in this as little as possible.

You are left to judge to what extent he was endorsed after this exposure of his vital unsoundness but repeated prevarication, when you learn that at the next meeting of the Publication Society we hear of his having resigned the office. Very soon after that he resigns the editorship of the Southern Baptist; very soon after that he sees fit to *resign the South itself!* What do these facts but satisfy you that the public sustain me, not in *defaming* but in *revealing the true character* and denominational principles of Mr. Tustin, the late public functionary of the Southern Baptist Publication Society? I ask no mitigation of the verdict you will give upon this specification.

4. A false impression is sought to be made by comparing my preaching to *Baptists* in the Presbyterian meeting-house in Gallatin, *for nothing*, to Mr. Tustin's preaching to a Pedobaptist Church upon a stated salary! It will be useless to attempt to explain the difference to those who cannot see it from the bare statement. What must all such think of C. A. Fuller's declaration that my conduct was like that of Mr. Tustin?

The fourth and fifth specifications, with the defence, were referred to the Committee to which the third specification was referred, viz.: W. D. Baker, E. W. Vaughn, L. H. Barnes.

Sixth specification read :

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PROSECUTION.

SIXTH SPECIFICATION.—DEFAMATIONS OF REV. DR. DAWSON, OF GEORGIA.

During a year or more past, Mr. Graves has been endeavoring to make the impression that all the more cultivated and enlightened portion of our people are under the influence of a strong tendency to open communion; and especially that influential ministers at the North, and at the South, are now plotting to lead our brethren into that heresy; and that particularly the whole North "are upon the verge of the plunge into open communion."

In the Tennessee Baptist, No. 25, February 27, 1858, Mr. Graves says:

"That a scheme is being plotted, and the elements at work, to *open-communionize* the Baptist denomination in America, we have long had reason to fear, and that a large body of Northern Baptists are upon the verge of the plunge into open communion at the table, as well as in baptism, and in the pulpit, we have long been satisfied; and that there are men in the South ready to second the move,

cannot be questioned; men whose published sentiments are even now preparing the way before the denomination."

The "published works" here denounced seem by later numbers of his paper to be those of Brethren Mell, Fuller, Taylor, Bowen, Howell, and probably some others.

In his preface to the "History of Open Communion" by Orchard, Mr. Graves says:

"In the last century the American Baptists have, through the influence of great names, and leading influential ministers, been insensibly drawn into the very outer circles of open communion." "Our Doctors of Divinity, popular metropolitan preachers, the Presidents and professors of our Colleges, and members, and brethren high in position and popular favor," have "brought the denomination to the very verge of the plunge into open communion."

It was intimated by Dr. J. S. Baker, a minister of Florida, in an article some years since, that one brother of high standing in Georgia was known to have a strong leaning in that direction. And early in the present year, an anonymous writer, signing himself "*Probus*," asserted in the Tennessee Baptist that Rev. J. E. Dawson was the guilty party. His language is as follows:

"Our Brother Dawson is that very identical popular preacher in Georgia who has at least once, in the hearing of unimpeachable witnesses, declared himself not a Baptist, but, like Tustin, an *open-communionist*, at heart. I do not believe that he will dare to deny that he has said that he is willing to go into open communion if the Georgia Churches generally will do so."

This charge Dr. Dawson immediately laid before his Church in Columbus, by which it was fully investigated, and in a publication under date of July the 8th, 1858, officially declared by them to be "without the least foundation." See South-Western Baptist, July 29, 1858.

On this whole subject Dr. Dawson writes under date of Newnan, Georgia, September 17, 1858, as follows:

"The essential facts between J. R. Graves and myself are in print, and you can find them in the *Index*' newspaper.

"When the articles appeared in the Tennessee Baptist, accusing me of being an open communionist, I felt it my duty to lay them before the Church in Columbus. An investigation was at once instituted. Mr. Graves was written to, and every means adopted to obtain the facts in the case. The result was that no evidence could be found, and the Church pronounced the charge '*without foundation*.' The most offensive article was signed '*Probus*.' Both the Church and myself demanded of Mr. Graves the real name of the author. This he refused to give, but gave James Perryman, of Buena Vista, Georgia, as *Probus*'s authority.

"I sought an interview with Perryman, intending to report his case to his Church, unless he could give me satisfaction. In the presence of several brethren, he utterly denied having ever told *Probus*, or Graves, or any one else any such thing, or having used any language justifying such charges. This is still his position so far as I know. The charges made by *Probus* I have denounced as '*wilful falsehoods*.' I now repeat this, I never used such language, or any thing like it. Perryman will give his certificate, that he never told Graves or *Probus* any such things. The falsehood is between *Probus* and Perryman, and the only question is, Who is *Probus*? I suppose Graves will not deny being himself (*Probus*) the author. If this is so, then the case is in a nutshell. And until Graves can prove himself clear (by showing that he himself is not *Probus*, which he can only do by a certificate from *Probus* himself, over his real name) he stands before the Christian world charged with wilful '*falsehood*.'

"The charges made against me in the Tennessee Baptist are of the most serious character, and, if sustained, would for ever destroy my usefulness, and depose me from the ministry, if no more. Shall such conduct be tolerated in the Churches? Shall Church-members be allowed to publish such vile slanders with impunity? If so, what is Church-membership worth? Whose reputation is secure?

"Of course I cannot say which is the guilty party, Graves or Perryman. The falsehood is with them. But until Graves makes a better showing than he has

done, the charge is upon him. Graves tries to evade the question, and to change the simple issue, but he cannot do this. His charges against me are distinct. He gives Perryman as the author of these charges. Perryman utterly denies the truth of it. This is the issue, and he cannot escape it. If Perryman told him these things, he is thus far vindicated (though still a libeller for having published them in his paper.) If he (Perryman) did not, he is guilty, and in my opinion unworthy of Church-membership, until he makes atonement to the injured party.

"The fact that Graves is an editor is no excuse. An editor has no more right to lie, or slander a brother, than any other man. As the facts are now before me, he has done both, and the Church is in duty bound to enforce a healthy discipline." "As this thing now stands, I cannot think of Graves but as a *wilful slanderer*. I can have no confidence in any thing he says. If he can prove himself clear, I shall be gratified, and will acknowledge the fact publicly, but until he does, he must [himself] admit the justice of my position. Graves published an extract from a letter of Perryman, to the effect that he had proof to establish my guilt. This letter is no proof, and Graves must know it. Perryman never said that he had proof to establish the charges made by Probus, but [that he had proof] that a conversation had taken place between Johnson and Neal.

"There never was a plainer case than this. I charge Probus with publishing 'wilful falsehoods.' *Probus is Graves*. He gives Perryman as his author. *Perryman utterly denies* being his author. Graves must prove that Perryman has lied, or the sin attaches to him. If he does the former, Perryman is unworthy of membership. If he cannot do this, then *he* is unworthy. No Christian who has any sense of propriety can justify such conduct; nor can any cause long prosper which tolerates such offenders; indeed, it would be attempted under no other circumstances. The position that one Christian may slander another, simply because he happens to be the editor of a paper, is both sinful and foolish; and the effort to pass these things by as *mere rumor, of no consequence*, indicates a very depraved judgment, and a very low standard of morality."

Thus has Mr. Graves, as charged, attacked, slandered, and abused Rev. Dr. Dawson, of Georgia. Nothing need be added by me to make the case more plain. Dr. Dawson's own statement is ample in the premises. I proceed now to the last specification under this count.

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#### A PLEASANT ANNOUNCEMENT.

Instead of the original pages of defence, which the Committee and Council unanimously declared a clear vindication, I submit with no ordinary pleasure the following honorable settlement between Brother Dawson and myself, and desire that every allusion to Brother Dawson in other pages of this work should be construed according to the tenor of this settlement.

In an interview at Richmond, Va., May 7, 1859, procured by mutual friends, J. E. Dawson, of Georgia, and J. R. Graves, of Tennessee, entered, in the presence of the undersigned, into a full and frank explanation of the causes of personal estrangement between them.

Whereupon it was conceded by Mr. Graves that, with the facts now before him, Mr. Dawson is not, and has not been, inclined to open communion. Mr. Dawson admitting that Mr. Graves, from reports conveyed to him on that subject, had reasons, up to the time of this interview, to believe that such had once been the fact.

It was, therefore, mutually agreed to withdraw whatever may be regarded as personally offensive to either party in any thing which has appeared in the Tennessee Baptist, Christian Index, or other public prints.

Mr. Graves also voluntarily proposed and agreed to break up that portion of the stereotyped plates of the forthcoming report of his defence before the late Council in Nashville, which referred to this matter—to append a note to said report explanatory of the same, and to place Mr. Dawson in the same position which he occupied before his sentiments on this subject were called in question in the Tennessee Baptist.

It was further mutually agreed that this adjustment relates solely to the personal relations of the parties.

Finally, it was agreed that this statement, with our signatures appended, be published in the Tennessee Baptist and Christian Index.

We, the undersigned, present by invitation at the above-mentioned interview, severally approve of these terms of reconciliation as entirely meeting the demands of a just self-respect and of gentlemanly honor.

J. H. DEVOTIE.

J. M. PENDLETON.

THOS. B. SLADE.

A. T. HOLMES.

H. H. BACON.

N. M. CRAWFORD.

E. B. TEAGUE.

P. H. MELL.

M. J. WELLBERN.

The above paper having been signed by the committee, has been submitted to the undersigned, and we adopt it as mutually satisfactory.

JOHN E. DAWSON.

JAMES R. GRAVES.

I cannot forbear a few comments here.

1. All can see from the above result of a personal interview the wisdom of that law of all civilized and even uncivilized nations, which provides that the accused shall be allowed to face his accuser, and that positive law of Christ that requires the offended party to seek a private interview with the offender, and if that fails, to seek a second in the presence of two or three brethren—not enemies.

The interview with Elder Dawson was of a most pleasant character, and, we can say for ourself, changed alienation into Christian regard. We shall never forget the closing scene.

2. The above settlement clearly establishes the fact that the sixth specification under the fourth charge was purely of a personal character, or it could not have been privately settled, and the accused exculpated from all blame.

But if the sixth specification was of a *personal* character, then do all the specifications involve purely personal matters, and the entire charge is of a personal character, since the whole is equal to the sum of all its parts; and if *personal*, and therefore private, the law as laid down in Matt. xviii. should have been observed before the offences could have been scripturally brought before the Church. But since they were brought in open violation of the express law of Christ, the Church so bringing them acted in open rebellion to the authority of Christ, and must be considered a disorderly body, until she corrects her act.

3. This matter being settled, and J. R. Graves entirely exculpated, will the First Church allow that charge and verdict to remain uncanceled upon its records, for the eye of generations following? Will she do nothing to countervail the great wrong she has done the accused? Time will show.

4. But Elder Fuller openly declares that he did not and does not regard my *critique* upon his public sayings and doings in Baltimore, pub-

lished six years since, a matter that even so much as alienated his feelings, and believing that he said quite as much in reply, it dropped and was forgotten and out of mind, until resuscitated by Elder Howell. He begged that the matter should not be dragged into the trial.

I understand Elder Fuller has expressed himself even more fully since. In the face of these facts, and Elder Fuller's own disclaimer, will the First Church allow these charges to stand uncanceled upon its records? We shall see.

5. "Last, but not least," I stand charged and convicted, by the unanimous vote of the First Church, of grossly immoral and unchristian conduct, in that I have slandered J. P. Tustin by saying (and it might be said proving) that Tustin was an unsound Baptist. It is now but a few months since that verdict was procured from the First Church by Elder Howell, and where is Mr. Tustin now? A priest in the Episcopal Hierarchy, just one door from Rome!

I quote from a letter of a distinguished Georgia minister: "What will the [First] Church do now? Will they allow that judgment, falsified by the fact, to remain upon their minutes? As, in their hasty and impassioned judgment, they have made one sad mistake, may they not have committed others equally gross? Will they still defend their judgment, and call upon their brethren and the world to respect it and them? If 'dead flies cause the ointment of the apothecary to send forth a stinking savor,' I respectfully submit to the brethren of the First Church that the savor of their judgment cannot be sweet.

"There is only one way to remove the difficulty. Let the First Church reconsider their action; seek such aids as will guard them against their own passion and prejudices and secure a righteous judgment. While the dead flies remain, the ointment will send forth a stinking savor."

I can say for myself and for the Church with which I stand connected, that any overture that Christians ought to propose or accept will be heartily met to heal the difficulties in this city that affect so seriously the whole denomination. Our prayer is for peace.

(I fill up the remaining space with a few of the rich songs found in the Southern Psalmist, issued by the South-Western Publishing House.)

Ye angels who stand round the throne,  
 And view my Immanuel's face,  
 In rapturous songs make him known;  
 Tune, tune your soft harps to his praise.  
 He formed you the spirits you are,  
 So happy, so noble, so good;  
 While others sunk down in despair,  
 Confirmed by his power, ye stood.

Ye saints who stand nearer than they,  
 And cast your bright crowns at his feet,  
 His grace and his glory display,  
 And all his rich mercy repeat:

He snatched you from hell and the grave,  
 He ransomed from death and despair;  
 For you he was mighty to save,  
 Almighty to bring you safe there.

O, when will the period appear  
 When I shall unite in your song?  
 I'm weary of lingering here,  
 And I to your Saviour belong.  
 I'm fettered and chained up in clay;  
 I struggle and pant to be free;  
 I long to be soaring away,  
 My God and my Saviour to see.

I want to put on my attire,  
 Washed white in the blood of the Lamb;  
 I want to be one of your choir,  
 And tune my sweet harp to his name:  
 I want—O, I want to be there,  
 Where sorrow and sin bid adieu,  
 Your joy and your friendship to share,  
 To wonder and worship with you.

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## IN HEAVEN THERE'S REST.

In heaven there's rest; that thought hath a power  
 To scatter the shades of life's dreariest hour  
 Like a sunbeam, it dawns on the stormy sky  
 Like the first glimpse of home to the traveller's eye:  
 'Tis the balm of the heart, of sorrow the cure;  
 The hope that deceives not, the promise that's sure.

How sweet to the weary, In heaven there's rest;  
 The tears are all dried from the eyes of the blest;  
 And the smiles that succeed are so dazzling and bright,  
 That none but a spirit could dwell in their light:  
 O! not like the smiles that here glow on the cheek,  
 But to hide the deep anguish no language may speak.

In heaven there's rest; earth's happiest hour  
 Fades softly away, like a morning flower;  
 There, fadeless the bowers, unclouded the skies,  
 There, joy hath no end, and time never flies;  
 There, nature is freed from its earliest stain;  
 There, love hath no sorrows and life hath no pain.

In heaven there's rest; O, how deep that repose!  
 Life's bitterness past, with its follies and woes,  
 Its passions all hushed like the waves of the deep,  
 When tempests expire, and winds are asleep;  
 And only soft airs and sweet odors arise,  
 Like the evening incense that soars to the skies.

Those sounds breathe sweet music, In heaven there's rest;  
 I long to escape to that land of the blest,  
 Inspired by the prospect through life's busy day,  
 To act and to suffer, to watch and to pray;  
 Then gladly exchange, when the summons is given,  
 The tumults of earth for the calmness of heaven.

958 THE BETTER LAND.

DULL earth! what canst thou give  
 To bind my soul to thee?  
 I would not always grov'ling live—  
 Linked to mortality—  
 But break the chains that press me here,  
 And spring to yonder glorious sphere.

Affection's holy light  
 Burns fitful here awhile,  
 But soon there comes a chilling blight  
 To mock affection's smile—  
 And love and joy flee fast away,  
 Like fleecy clouds in summer day.

But there's a clime above  
 This cold and cheerless scene,  
 Where roll immortal streams of love  
 Through pastures fair and green—  
 And wave the leaves of Life's broad tree  
 In breezes of eternity.

There friends no more are torn  
 From kindred friends away;  
 There furrowed brows, by sorrow worn,  
 Beam bright in endless day—  
 And crown, and harp, and palm, and song,  
 To that vast company belong.

That better land be mine!  
 My store and treasure there!  
 Who would not this dull earth resign,  
 And tribulations bear,  
 To tread, at last, those golden streets  
 Where brother ransomed brother meets?

The seventh specification was now read.

PROSECUTION.

SEVENTH SPECIFICATION—DEFAMATIONS OF THE BIBLE BOARD.

In the Tennessee Baptist, whose editor is one of the Vice Presidents of the Board, No. 23, dated February 13th, 1858, Mr. Graves says:

"There is manifestly a systematic attempt to cripple down the Secretary of the Bible Board, on the part of Anti-Landmark men and editors. We allude to what has appeared in the Journal [Home and Foreign] from his associate editors, [J. B. Taylor, A. M. Poindexter, and R. Holman,] and the course of a part of the Baptist press, and the Anti-Landmark portion of the Board." "All these things are calculated to make the position of the Corresponding Secretary uncomfortable, destroy his peace, and paralyze his influence and usefulness." "Brother Dayton can be easily driven from the Board, and will certainly be by this treatment; but will the Board supply his place with a better man? He has done too much good

to be let alone. He is enjoying too much of the love and attracting too much of the attention of Baptists not to be compelled to suffer the penalty that superiority or great usefulness is ever doomed to pay."

In the Tennessee Baptist, No. 26, March 6th, 1858, Mr. Graves says:

"The first attack upon Brother Dayton did not begin with this Sunday-School Union. The ostensible leader of the Anti-Landmark Baptists in this State was 'A Member of the Bible Board.'" "When the second volume of Theodosia appeared, and there was a probability, amounting to logical certainty, that the question would be set at rest, whether Pedobaptists were true Churches of Christ, and whether not being such they could have any lawfully ordained ministers, he made no attempt to reply to the arguments, but labored by artfully insinuated innuendoes to destroy the influence of the book," "by intimations that the author wrote not for the sake of truth, but for the love of money." "This was probably intended to reach Louisville in time to prevent the reappointment of so bad a man as Brother Dayton to so important an office as Corresponding Secretary."

He further says in the same paper: "If Brother Dayton flattered himself that he would be permitted to rest in peace while his books were every day gaining larger circulation, and exerting a larger and more controlling influence over the minds of the best thinkers among the Baptists, he soon discovered that he was very much mistaken. A few months only had elapsed when 'A Member of the Bible Board' found occasion to introduce a resolution in the Board, calling for the appointment of a committee to examine the records of the Southern Baptist Convention, and ascertain the exact relation which the Bible Board was intended by the Convention to sustain to the circulation of the Bible and other religious books. The committee brought in a report, prepared, without doubt, by the same member of the Board who moved the appointment." "No inconsiderable part of it [was] designed to condemn or criminate the Secretary." "As the matter has thus [in newspaper articles] been made public by others, and the Bible Board has by them been dragged into this controversy, much to our regret, we shall recur to this report again. But let no one charge us with having involved the Bible Board in the dispute. We wish the enemies of the [Southern Baptist Sunday-School] Union and the Old Landmark could have let the Board alone. But since they seem to be determined to use it, and, if needs be, destroy it, for the sake of injuring the Landmark members of it, and the President of the Sunday-School Union, we cannot help it."

And still further in the same paper Mr. Graves says: "If the object is, as the manifestations force us to believe, to drive Brother Dayton from the Board, it is very probable they will succeed."

The Tennessee Baptist of April 10th, 1858, has the following announcement from Mr. Graves:

"Brother Dayton tendered his resignation to the Bible Board last Monday, to take effect immediately. There are some who will read this with pleasure."

In the Tennessee Baptist, No. 36, dated May 15th, 1858, Mr. Graves says:

"We venture to prophesy that in less than four years there will be an attempt made to transfer the Bible Board from Nashville to Charleston, and combine its work with that of the Southern Publication Society. And if this plan should succeed, and the Board of that Society be created a Board of the Southern Baptist Convention, no one of the accusers of Brother Dayton will see any need of any more explicit instructions than the Bible Board has already received from the Baltimore, Montgomery and Louisville Conventions, to authorize it to engage largely in the joint distribution of Bibles, and our denominational and other religious books; not a *single dog of them all* will so much as wag his tongue in condemnation of them. And then will be rendered plain what now we can only guess at; viz, whether there may not have been a *secret plot* to ruin and destroy the credit of the Bible Board in Nashville, for the purpose of alienating the confidence of the Churches and the brethren from it, and thus prepare the way for the removal of the Board to Charleston."

Brother Moderator: Allow me to call your attention, and that of the Church, to the following points which are contained in the extracts now read from Mr.

Graves's paper. He maintains, as an analysis will show, the following propositions:

1. That a majority of the Bible Board of the Southern Baptist Convention conspired with certain men and editors to "cripple down" Mr. Dayton.

2. That the Bible Board of the Southern Baptist Convention sought to annoy Mr. Dayton, and to destroy his influence and usefulness.

3. That the Bible Board of the *Southern Baptist Convention* could not let Mr. Dayton alone because he had done so much good.

4. That the Bible Board of the Southern Baptist Convention persecuted Mr. Dayton from envy of his great popularity.

5. That because Mr. Dayton was superior to any of them, the Board sought to drive him from his office.

6. That the Bible Board of the Southern Baptist Convention persecuted Mr. Dayton because he had proved in his book that *Pedobaptists* have no true Churches, nor lawfully ordained ministers.

7. That these officials of the Southern Baptist Convention pursued Mr. Dayton from the Board because his books had so large a circulation, and exerted an influence so controlling over the minds of the best thinkers among the Baptists.

8. That the object of the report of the Committee of January last was to criminate the Secretary, and thus secure the nefarious purposes dictated by envy, ambition and malice.

9. That the majority of the Board were determined to *use it*, and, if need be, *destroy it*, for the sake of injuring the Landmark members of it, and Mr. Dayton.

10. That there was a secret plot in the Bible Board of the Southern Baptist Convention to *ruin and destroy its credit*, and alienate from it the *confidence* of the Churches and brethren, *in order to get it removed to Charleston*.

11. That when this is done, the *Southern Baptist Publication Society will use it for its purposes*, and no one will complain.

12. That the Bible Board of the *Southern Baptist Convention* is made up of a *SET OF DOGS*.

Of all this, Brother Moderator and brethren, what shall we say? Have you ever seen a more malignant exhibition of hatred, slander, abuse, defamation? And who are these members of the Bible Board of whom Mr. Graves and his allies speak in such terms in a public newspaper? As citizens and professional and business men, they are regarded as equal to any others in this city. As Christians and members of this Church, they are among the most honored, intelligent, pious and useful of our brethren. They are men well known, and intrusted by our brethren of the Southern Baptist Convention with the management of one of its Boards. Not a few of them are honored as our city officers. They have no personal interests whatever to subserve, and are utterly incapable of the low jealousy, envy, ambition and malice of which they are so wantonly accused by J. R. Graves and his pliant associates. Week after week and month after month, they have for years neglected their own private business, and often pressing obligations, to attend to the interests intrusted to this Board. They are also the very members who are generally present at its meetings, and best acquainted with all its affairs. What they do in this department is purely a work of faith and labor of love, for the advancement of the cause of truth and salvation. If such brethren as these may not be trusted, in whom can we place confidence? They are worthy co-workers of their brethren of the Foreign Mission Board in Richmond, Virginia, and of the Home Mission Board in Marion, Alabama. And who is their accuser? This trial has thus far shown, and the next count will show still more fully, who he is. But I need not thus detain you. We have now seen how Mr. Graves has attacked, slandered and abused the Bible Board of the Southern Baptist Convention.

I now submit this count, Brother Moderator, to the judgment of the Church, the judges, and the only scriptural judges, of the law and the facts. You have now seen from ample unimpeachable and unquestionable testimony, that J. R. Graves is guilty of having gratuitously attacked, slandered and abused Rev. Dr. Fuller, of Baltimore, Rev. Dr. Waller, now deceased, of Kentucky, Rev. Dr.

Everts, of Louisville, Rev. Dr. Duncan, of New Orleans, Rev. Mr. Tustin, of Charleston, Rev. Dr. Dawson, of Georgia, and the Bible Board of the Southern Baptist Convention. We might, indeed, have introduced many others as having been the objects of similar defamations, as Rev. Dr. Crowell, of Missouri, Rev. W. C. Crane, Bestor, Chambless, and Rev. Dr. Teasdale, of Mississippi, Rev. Messrs. Tichener, Henderson, and Taliaferro, of Alabama, Rev. Dr. Manly and Mr. Kendrick, of Charleston, Rev. Mr. Hillsman, of Knoxville, Rev. Mr. Coleman, of Arkansas, Rev. Dr. Lynd, and brethren Coldwell, Brannen and Tyler, of Kentucky, Rev. Drs. Dagg and Mell, of Georgia, and others. But we will not do so. We have presented a few names only of the many of whom J. R. Graves is the public accuser and defamer. The divine injunction in cases like this is imperative. The Church, I doubt not, will obey it to the letter: "Them that sin rebuke before all, that others also may fear."

The Moderator inquired whether there were any other remarks or testimony to be presented.

Mr. S. A. Davidson said he wished to express his views upon the whole subject, and inquired whether it would be in order to do so now.

The Moderator replied that it would not until the question now before the Church was disposed of.

Mr. Davidson said he had acted with the minority during the progress of this trial, and he desired an opportunity to express his views upon the whole matter, and his object now was to inquire when it would be in order to do so.

The Moderator explained that a decision upon the fourth count would not be a disposal of the whole subject, but that it would come up for the future action of the Church, at which time the brother would be afforded the opportunity he desired.

Mr. Davidson then gave notice that when the matter came up for final disposal, he should make a speech covering the whole ground, in which he would express his views touching the case.

The Moderator stated that if there was any rebutting testimony to be offered, it would now be heard.

None being offered,

Mr. Fuller remarked, It is apparent that no testimony is to be offered by the defendant, and he moved that the question be now submitted to the Church.

The motion was concurred in, when

Mr. Fuller again read the fourth count in the charge against Rev. J. R. Graves.

The Moderator—Those who believe that the fourth count in the charge against Rev. J. R. Graves has been sustained by the testimony adduced, will rise.

Upon a count it was ascertained that seventy-six members were standing.

The Moderator—Those who believe that the fourth count in the charge against the Rev. J. R. Graves has not been sustained by the testimony adduced, will rise.

None rose.

The Moderator then declared that the Church had unanimously decided that the fourth count in the charge against the Rev. J. R. Graves had been sustained by the testimony adduced.

Dr. Howell asked leave to make a personal explanation.

Leave was granted.

Dr. Howell said he had to-day received a note, from which he wished to read an extract. He did not know the author personally, but was advised that he is a man of truth and integrity, and a member in good standing of the Baptist Church in his neighborhood. He read as follows:

FAYETTEVILLE, TENN., October 15, 1858.

REV. DR. HOWELL—*Dear Sir*:—I saw and conversed with a gentleman a day or two ago, that was a delegate to the Liberty Association, and also to the General Association, and speaking with reference to the difficulty between Graves and yourself, he told me that it was a common talk at the Association, among the delegates there, that you had agreed with the Pedoes, for the consideration of the sum of fifteen hundred dollars, paid to you by Pedobaptists, to use all the influence you had

against Graves, in order to ruin his standard as a preacher, and as a man of veracity.

Dr. Howell remarked that he had just received this letter, and had read the extract to show the character of reports that are put in circulation to injure his standing, and he would ask whether it was necessary for him, as pastor of this Church, to formally deny the charge that he had sold himself to the Pedobaptists for \$1500? That was all he had to say in regard to this report.

Mr. Nelson moved that a copy of the charges preferred against Rev. J. R. Graves by S. M. Scott and himself be forwarded to Mr. Graves, as he understood a copy had not been sent him yet, and that he be notified that they will be set for trial at the next regular meeting of this Church, which will be Wednesday evening, the 10th of November.

Mr. Scott said that before the question was taken upon this motion, he begged leave to withdraw the first specification in this count.

Leave was granted, and the first specification, as read, was withdrawn.

And then

The motion of Mr. Nelson was concurred in.

Dr. Howell moved that when this meeting adjourns, it adjourn to meet at seven o'clock, Wednesday evening, the 10th of November, the time for the next regular meeting of the Church.

The motion was concurred in.

And then

The meeting adjourned with prayer by Dr. Howell.

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#### DEFENCE.

1. The defence I have to offer to the category of sentences, extracted here and there from my editorials for three months, is an elaborate review of the report of a party in the Bible Board by the late Corresponding Secretary, A. C. Dayton, herewith submitted. Nor do I propose to sustain my defence of that brother against the evident determination of a party in that Board to destroy him, upon his assertion; but you can and I do hope the Council and Church will appoint a joint committee to take the report of the Bible Board and his reply, and compare them both with the Treasurer's book, and report to this Church the result. By that report I will abide. If the Secretary is a guilty man, I have wronged the Board; if innocent, that party have not only outraged and defamed an innocent man, in order to drive him out of his office, but now demand the sacrifice of my character for having dared to defend him.

2. Perhaps it might be proper for me to submit sufficient direct proof to justify my expressed opinion that a majority of the Bible Board conspired with certain men to cripple down A. C. Dayton, the then Corresponding Secretary, and, even more than I express, that Elder R. B. C. Howell, who has so long and diligently sought to ruin me, was at the head of that combination to destroy Dayton. I submit a letter, written to Elder Howell by J. E. Dawson, of Georgia, who contributed all his large influence to assist in the destruction of us both—one or both of whom he charitably terms in his letter a "pestilence!"

TUSKEGEE, ALA., April 14th, 1858.

DEAR BROTHER HOWELL:—The position of Brother Henderson in his *expose* of Mr. Dayton is well sustained by the facts, but it places him, the Board, and the cause in rather an awkward position before the country. It is strange to many

that the Board should have allowed such a report to go out under its sanction, (for it has this appearance.)

Again, some of Dayton's friends are shifting the onus and the odium on the treasurer, for this report has the appearance of being his report, and of course Dayton is not responsible for it. 'The Treasurer has practiced the fraud, not Dayton.' The Board, too, are suffering under the imputation of unfaithfulness, and many good brethren, influenced by mere appearances, are in danger of being drawn off.

Again, Henderson is in a false position. Many suppose he is making war upon the Board, and others that he is simply seeking the destruction of Dayton through the Board. They say the Board makes no charges against Dayton—why should Henderson?" [Why?] "These things make it *absolutely* necessary for the Board to come out with a full expose. Let us know how that report came to be palmed upon the denomination. How is it that the Treasurer was so duped?"

You may depend upon it, unless the Board come out, these men will gain sympathy and strength, and Henderson, who has breasted the storm, will suffer. *This must not be.* This expose is demanded, and will be a death-blow. This is not the time to shrink from the responsibility, and if we would rid ourselves of this pestilence, [!!!] the blow must be struck now. This suggestion is respectfully made.

If you wish you can read this to the Board, or use my name. I do not wish to intermeddle, but this is a matter of general interest, and nothing else can supply its place. A failure will lose us some of our strongest men, or misdirect their sympathies, and sacrifice Henderson with some of his patrons.

I do hope a candid statement will be made by the Board. It will suffer in public estimation until it is done—is now so suffering.

In haste, very truly,

J. E. DAWSON.

M. J. Greer, J. W. Edwards, and J. M. Fitzhugh were appointed a committee, to whom were referred the sixth and seventh specifications, together with the defence.

Elder G. then submitted his last plea in writing to a committee, of which the Moderator was made Chairman, J. C. Lanius, D. E. Smith.

On motion, Elder J. M. D. Cates was requested to act with the Committee.

Adjourned with prayer, by Elder Grimmett.

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## FIFTH CHARGE.

THURSDAY MORNING, March 3.

Council met at 9 o'clock Thursday morning.

Prayer by Elder Dayton.

Minutes of preceding sessions read, corrected and approved.

Fifth charge read, with first and second specifications, which were reviewed as follows.

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## PROSECUTION.

WEDNESDAY EVENING, November 10, 1858.

The Church met pursuant to adjournment, and the session was opened with the reading of a portion of Scripture by the Moderator, and prayer by Dr. Howell.

The report of all the proceedings in this trial, from its commencement, as made by Mr. McKee, the gentleman employed for that purpose, was read, corrected and adopted as the record of the Church.

The Moderator then stated that the business now before the Church was the fifth and last count in the charge which had been preferred against J. R. Graves, by brethren Scott and Nelson.

The Clerk then read the charge as follows:

We, the undersigned members of the First Baptist Church, Nashville, Tennessee, charge Rev. J. R. Graves, a member of said Church, and one of the editors of the Tennessee Baptist, with grossly immoral and unchristian conduct, in that he has uttered and published in his said paper the following wilful and deliberate falsehoods:

1. "We can, with a clear conscience, appeal to the Judge of all the earth, that we have not intentionally injured any man, and if we have unwittingly done so, we truly regret it, and are willing to repair the injury."

2. "All that we could rightly do to effect a reconciliation, though the offended and assailed party, we have done."

3. "It will be seen that both the *lash* and the *law* have been threatened against one or all the editors of this paper."

4. "Reports have been put forth from this city and circulated in it, that the senior editor of this paper was a vile character, a dishonest man, and that frightful revelations would be made of his standing at home when the Church trial came off. (Note.) Elder Howell made this charge before he had been in the city nine months."

5. "What frightful crimes are we charged with? The most stupendous one is the leaving off the D. D. from the name of R. B. C. Howell in the Southern Baptist Register for 1858!"

6. "We are arraigned before the Church for grossly immoral conduct and atrocious libel, etc., because we have left the D. D. off Elder Howell's name."

7. "One of the very prosecutors he [Howell] employs, C. A. Fuller, can threaten to cowhide Elder Dayton, not only in his office, but even in the hearing of the whole Church, and not so much as a reproof is offered him."

8. "The other principal orator of the 21st of September [Dr. W. P. Jones] is not only known to Elder Howell as a teacher of gross heresy in his class—teaching views calculated to overthrow one of the articles of faith of the First Baptist Church, a fundamental article of Christianity and religion—but known also to Elder Howell and the Church as the public defamer of Elder J. M. Pendleton; not only so, but he is permitted to defame Elder J. M. Pendleton in the Church meeting of the 21st, before Elder Howell's face, without receiving so much as a reproof from Elder H."

9. "Our readers will notice the closing period of Mr. Fuller's article. [I defer further remarks until a future opportunity, when A. C. Dayton shall have no occasion to say he has not reaped an ample reward for the vituperation in which he has of late so freely indulged.] It is singular language for a Christian gentleman to use towards a brother in the same Church, and a brother Mason. Such threats of brute violence, which have been twice repeated—once to Brother Buchanan and once upon the floor of the Church, in Church meeting, reflect no credit upon either Mr. Fuller's *bravery* or his principles."

S. M. SCOTT,  
A. NELSON.

The Moderator said that the Church had heard the allegations now read. If J. R. Graves were present, he would call upon him to plead guilty or not guilty, but since he was not present the call would be preposterous. He asked whether any one was authorized to plead for him. No one answered. The Moderator said, The Church will now hear the prosecution upon this count in the charge against J. R. Graves.

Mr. S. M. Scott asked leave to accompany the evidence with a commentary.

Dr. W. P. Jones suggested that it would be more in accordance with general usage to have the evidence presented first.

The evidence was then read.

Mr. Scott said:

BROTHER MODERATOR AND BRETHREN:—The specifications which we present, containing the falsehoods alleged in this count, are all taken from one and the same number of the Tennessee Baptist:

We, the undersigned, members of the First Baptist Church, Nashville, Tenn.,

charge Rev. J. R. Graves, a member of said Church, and one of the editors of the Tennessee Baptist, with grossly immoral and unchristian conduct, in that he has uttered and published in his said paper, the following wilful and malicious falsehoods:

## SPECIFICATION FIRST.

Tennessee Baptist, dated October 9th, 1858, Mr. Graves says:

"We can, with a clear conscience, appeal to the Judge of all the earth, that we have not intentionally injured any man, and if we have unwittingly done so, we truly regret it, and are willing to repair the injury."

We refer to the testimony on all the preceding counts, as proof that he has intentionally injured this Church, its pastor, and some of its members; and to his rejection of all appeals to him to retract and "repair the injury," that he *does not* truly regret, and is not willing to repair the injury.

We refer *specifically* for proof that Mr. Graves here asserts a wilful falsehood, to the fact that prior to this announcement by him, brethren Winston and Fuller had *explicitly* stated in a note to Mr. Graves, that "we are authorized to say that Brother Howell will do whatever is demanded by honor or religion;" "but (continued those gentlemen) that the plan may be definitely settled at once, we [Winston and Fuller] offer the following basis of settlement."

Then followed a reciprocal proposition—that is, a proposition that R. B. C. Howell and J. R. Graves should *each* withdraw, as publicly as they had made, all offensive charges against the other.

Could more noble or equitable propositions have been made by mortal man? Then, too, brethren Winston and Fuller accompanied these magnanimous propositions with an expression of *their sincere desire* to settle this difficulty. But Mr. Graves, who thus solemnly "appeals to the Judge of all the earth;" who, with so much parade, pledges his willingness to repair any injury, rejected these propositions! He not only refused to repair the injuries done his pastor and brother by withdrawing his accusations, but absolutely refused or rejected all honorable or religious adjustment whatever. For Elder Howell, as before stated, had in so many words proposed to do "whatever is demanded by honor or religion." What more could your pastor—could *any* Christian gentleman propose? You see at once how utterly groundless and shamelessly false is Mr. Graves's solemn declaration in so far as pertains to Elder R. B. C. Howell.

Mr. Graves, in reference to a thing about which he knew just nothing at all, virtually charged John L. Waller with lying. Waller repeatedly and affectionately addressed him private letters expecting to be set right before the readers of the Tennessee Baptist. And finally he wrote Mr. Graves in these impressive words: "I have done all that honor, friendship, or Christianity required me to do. . . . When I wrote to you as a friend and a Christian, affirming solemnly what I had written to be true, instead of correcting, or even alluding to my affirmation, you substantially restate your charge, and even aggravate it," etc. *Thus is Mr. Graves's assertion in the name of the Judge of all the earth, proven to be a wilful falsehood* as pertains to John L. Waller.

Many of you know that Mr. Graves assailed the editor of the "*New Orleans Baptist Weekly Chronicle*" in a very rude, objectionable and reproachful manner. You know that Elder W. C. Duncan charged Mr. Graves with many falsehoods, and called upon this Church to listen to his allegations. You, however, gave no attention to these things until recently, and Mr. Graves persistently refused to do justice or in any wise repair the injuries done this brother. Mr. Duncan says he "has several times proposed arbitration of the points at issue between him and the editor of the Baptist, but these proposals were treated with silence or rejection. He [Duncan] has asked repeatedly to be allowed a defence in the columns of the Tennessee Baptist, and has as often been refused. He has written private letters requesting that these *repeated* acts of hostility should cease, or that responses should be allowed in the Baptist; but the attacks have not ceased, and the responses have not been allowed."

Thus by the testimony of Elder W. C. Duncan is the assertion of Mr. Graves,

though made under the solemnity of an oath, proven to be a wilful and deliberate falsehood.

Those of you who were readers of the Tennessee Baptist, cannot have forgotten the excitement which Mr. Graves, through anonymous communications, succeeded in getting up, and for a great while maintaining, against the Walnut Street Baptist Church in Louisville, Ky. Elder W. W. Everts says: "Mr. Graves admitted an anonymous article into his paper, seriously reflecting upon the Walnut Street Baptist Church and pastor, and containing both *palpable falsehoods* and *miscolorings*. Dr. W. B. Coldwell wrote an answer in explanation and vindication of our Church, which, as he did not wish his name brought before the public, I forwarded, authorizing the use of my name as responsible for the article. But, though an anonymous, slanderous attack had been published, the *endorsed* vindication was rejected as anonymous. Meantime another anonymous article was allowed to appear, *reasserting the former slanders* and sowing seeds of distrust and strife. Whereupon another brother (T. A. Reed) of this city, formerly a friend of Graves, wrote to Graves, remonstrating against the injustice he was doing to the Walnut Street Baptist Church and pastor, by his anonymous and slanderous publications, and setting us right before the readers of the Tennessee Baptist. This letter was not allowed to appear. Still a third, and, I think, a fourth slanderous article was allowed to appear anonymously, with, I believe, new editorials, and enforcements, etc. Brother Reed, after waiting for the appearance of his first communication, sent a second, and after waiting a considerable time for the appearance of that, wrote a third. Whether he was discouraged from forwarding the third, from what seemed a persistent purpose to withhold justice, I know not. But some time later, William Garnett, in the Western Recorder, in a short article, challenged the name of the writer of these calumnious articles, and pledged himself to prove *five palpable falsehoods* in them as well as *gross miscolorings*, if a responsible name were given. All this passed, but no *justice* was ever done to us by the Tennessee Baptist, or apology offered."

Thus is Mr. Graves proven not only guilty of publishing wilful and deliberate falsehoods in reference to the Church and brethren in Louisville, and to their serious injury, but also of persistently refusing to repair the injuries done; and thus, too, his assertion in the name of the Judge of all the earth, is proven a two-fold falsehood, wilfully and deliberately uttered and published.

These are but specimens of many similar testimonies in our possession, and which we are prepared to present, but deem it unnecessary, as in the mouth of two or three witnesses every word is established.

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#### DEFENCE.

1. The first fact to which I call your attention is that the parties, Messrs. Scott and Nelson, in their act in publicly preferring one or more libellous charges against me, which they have, by the force of facts that came to their knowledge, felt themselves forced to retract. They therefore, by their own act, stand before the world as confessed defamers and libellers! They cannot escape this charge.

2. This specification judges my motives, and gives a direct denial to my statement, that I had not *intentionally* injured any man, and that if I had unwittingly done so, I was willing to repair the injury. I claim to be as well acquainted with my own heart as Sam. Scott and A. Nelson can possibly be. I have acted the part of an honorable and Christian man in all matters complained of by Elder Howell. I leave you to judge, and all others who may become conversant with the facts developed in this examination.

I do not feel called upon to enter upon a defence of my editorial life

for twelve years past, to defend my course in rejecting some articles and publishing others, and in some cases withholding the names of correspondents from those who I did not think had a right to have them. I had reasons for pursuing the course I have that were satisfactory to me, and are still satisfactory. No editor is under the least obligation to publish an article couched in terms abusive of himself. I have sometimes done this, and been justly reproached for it by my brethren of the press. I did refuse to publish Mr. Duncan's abusive articles, and suggested to him, if they were unfit for his own paper they could not be allowed to disgrace mine. I affirm, fearless of successful contradiction, that no man ever proposed an honorable arbitration or basis for the settlement of a misunderstanding that I rejected.

3. Mr. T. A. Reed, of Louisville, is this day my warm personal friend, and he will, if not every other party mentioned save Mr. Everts, justify me now in the course I then pursued. They have had a fuller insight into Mr. Everts's character and course since the day they attempted to uphold him.

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PROSECUTION.

SPECIFICATION SECOND.

Mr. Graves says: "All that we could rightly do to effect a reconciliation, though the offended and assailed party, we have done."

He well knows that he has rejected all overtures of every character which have been made to him, and all appeals to consent to a reconciliation, although assured in writing that the party referred to would do *any thing* demanded by honor or religion. All must see, therefore, and know that this too is a wilful violation of truth—a deliberate falsehood.

Mr. Graves, or any other man of honor or religion, or even destitute of both, could rightly accept or make some proposition for reconciliation, within the pale of honor or religion.

We ask, whether in the annals of the human race such a proposition as was made by Elder Howell was ever before rejected by any one professing to be a Christian gentleman?

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DEFENCE.

My only reply is the reaffirmation of the declaration, and appeal to the two brethren through whom I communicated with Elder Howell.

[Messrs. Scovel and Creighton were asked if they did not think Mr. Graves did all he could rightly do to effect a settlement? They answered emphatically that in their opinion he did; that he had done all they would allow him to do.]

JOINT STATEMENT OF H. G. SCOVEL AND GEORGE CREIGHTON.

Inasmuch as our names have been mentioned as members of a committee, appointed by the Rev. J. R. Graves, to meet with and confer with a similar committee appointed by the Rev. R. B. C. Howell, to endeavor to bring about a settlement of some difficulties existing between said appointing parties; and as the representation has been made that there would be no settlement made on the basis established by Rev. R. B. C. Howell, (and stated to be the only mode on which a settlement could be admitted,) we deem it a duty we owe to the members

of the First Baptist Church, and all others interested, to state as briefly as possible the cause of that failure.

We, on the part of the Rev. J. R. Graves, took the scriptural ground (based on Matt. xviii. 15-17) that if the Rev. R. B. C. Howell considered himself aggrieved by the Rev. J. R. Graves, he (Brother Howell) knew the first steps to be taken, (by command of our Saviour,) and until those *first steps* were taken, no other modes of settlement were admissible.

And since already much had been said well calculated to create unpleasant feelings in the Church, and afford food for invidious remarks from others, we, as a committee, most heartily desirous of reconciling the difficulties, concluded that a lengthy detail of all that was said and done by us, as committees, was unnecessary to be taken for publication, and therefore decline submitting our views to paper; and this conclusion we were the more inclined to favor as the fact developed itself that no other ground of settlement would be made by Elder Howell or his committee, other than had been made by them; consequently, as a committee, we saw plainly that if Elder Howell would not confer personally with Elder Graves to bring about a reconciliation, and if this, Elder Howell's committee, would submit no other plan for the settlement, then we could not act.

We expressed our belief that Brother Howell knew his duty as a professed Christian, and had he pursued the Christian course he professes to teach, there would be no necessity for committees, or correspondence, or complaint; that we recognized none but the scriptural way of settling difficulties between brethren.

From repeated statements made by Elder Graves before us as individual members of said committee, which statements we reiterated to Brother C. K. Winston and C. A. Fuller, that he (Graves) would make, if necessary, any concessions and apologies that were consistent with the gentleman and Christian; and we furthermore say, that throughout the whole of our intercourse with him, while this business was pending, he exhibited a kind, conciliatory, Christian feeling. And we were, therefore, satisfied that Brother Graves was ready and willing to settle all existing difficulties upon the Scripture basis.

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### PROSECUTION.

#### SPECIFICATION THIRD.

"It will be seen," says Mr. Graves, "that both the *lash* and the *law* have been threatened against one or all the editors of this paper."

This is said of Charles A. Fuller's speech in the Church meeting on the night of the 21st of September last. A large number of the brethren and sisters were present at that meeting, and know the statement to be false; but with the view of eliciting positive proof upon these points, we have\* to request that you, Brother Moderator, will call upon all the brethren and sisters here, who were present at the meeting referred to by Mr. Graves, to rise, and while they stand that you ascertain the number; then put the question: "Those who heard C. A. Fuller or any one threaten any one or all the editors of the Tennessee Baptist with the *law* or the *lash*, will please rise;" and note the number, if any. Then put the question, Those who neither heard such remarks, nor believe that any such were made, will rise: note also the number.

Mr. Fuller said it was important to ascertain how many were here to-night of those who were present at that meeting on the 21st of September, as he wished them to express an opinion as to the truth or falsity of the assertion of Mr. Graves, as to what he (Fuller) had said.

Dr. W. P. Jones suggested that those present at the meeting on the 21st of September be requested to rise, and after the number has been ascertained, that they be seated and then give the desired expression by rising.

The Moderator then requested all present who were at the meeting held on the 21st of September to rise.

Upon a count it was ascertained that there were sixty-one present who had attended that meeting. All resumed their seats.

The Moderator.—Those who were present at the meeting on the 21st of September, and who know the statement of Mr. Graves, which has just been read, to be true, will rise.

None rose.

The Moderator.—Those who were present at the meeting on the 21st of September, and who know that Mr. Fuller did not make the threats as charged by Mr. Graves, will rise.

Upon a count it was ascertained that fifty-six were standing.

Mr. Scott resumed: I have thus, Brother Moderator, established the third specification by fifty-six witnesses, whose testimony not one arose to question. There can be no doubt of the fact that Mr. Graves is guilty, under this specification, of wilful and deliberate falsehood.

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DEFENCE.

It is proper to state that the language quoted is not the exact language I intended to express in my article. The proof-reader corrected it in the next issue as follows:

“It will be seen that both the lash and the law have been threatened—the *lash* against *one* and the *law* against all the editors of this paper.”

The editors and the publishers of the Tennessee Baptist understood most distinctly that the law was threatened, in case animadversions were continued in that paper upon the sayings and doings of the principal actors in the Church meetings, in a series of resolutions adopted by the Church. If they were not designed to intimidate the editors, they were without meaning.

Elder Dayton published the resolutions, with comments, in the Tennessee Baptist, as follows:

WHEREAS, The Rev. A. C. Dayton published an article in the Tennessee Baptist of the 11th instant, calculated to prejudice the action of this Church in a case of discipline against the Rev. J. R. Graves, erroneous in some of its facts, and intended to give a contemptuous idea in regard to the character of the charges preferred; therefore,

*Resolved*, That Rev. A. C. Dayton is hereby admonished of the impropriety of such articles as are calculated to stir up improper feelings, forestall public sentiment, and defeat the ends of justice.

*Resolved further*, That Rev. A. C. Dayton be requested to furnish to the Clerk of this Church the name of the writer of a communication signing himself “A Member of the First Church,” and which communication was addressed to him, and published in the Tennessee Baptist of the 11th inst.

*Resolved*, That the Clerk be instructed to place in the hands of Rev. A. C. Dayton a copy of this preamble and resolutions.

*Resolved*, By this Church, that while we maintain with deathless tenacity the entire freedom of the press, which is in no case to be abridged or intimidated, we also hold with equal tenacity the doctrine that editors are responsible for any injurious or defamatory articles, whether as editorials or otherwise, which may find their way into their columns.

*Resolved*, Therefore, in all kindness, that this Church request the editors of the Tennessee Baptist not to admit into their columns any injurious or defamatory articles against this Church or any of the members thereof; *otherwise we shall be compelled to hold them individually and equally responsible before the appropriate tribunals.*

*Resolved*, That the Clerk be instructed to transmit a copy of these resolutions to the Tennessee Baptist.

REMARKS.—We are not quite sure that we understand just what is the *object* of

the above preamble and resolutions. We understand them to contain a threat, that if any thing is published in this paper injurious or defamatory to the First Baptist Church or any member of it, the editors are all to be prosecuted before the secular courts, or before the Church of which each one of us may be a member—but *which* of these is regarded as the “*appropriate tribunals*” we do not know. Nor do we know precisely what they mean by “*injurious and defamatory*” articles. If they intend that when the Church, or any member of the Church, has done any wicked or foolish thing in connection with this trial, which cannot be made public without having the effect to injure the parties who are so wicked or foolish, that the editors of this paper shall not make, or permit any one else to make, such actions public without being subjected to the expense of a *suit in court or exclusion from this Church*, we beg leave respectfully to inform our brethren of the First Baptist Church that, while we do not intend to state any thing that is *not strictly true*, or any thing for which we are not willing to be held *personally and individually responsible* in our *person*, our property, and our Church privileges, we shall not be intimidated by any such threat from stating whatever we think ought to be known, in order that the denomination may know the *true* motives and the *real* objects which are sought to be accomplished in this prosecution.

If these contained no threat of the civil tribunal, what did they mean? That Mr. Fuller did threaten to cowhide Elder Dayton, I refer you to testimony of H. R. Buchanan in defence of specification seventh.

The vote of the Church upon the proposition as submitted by Mr. Fuller was a very safe proceeding, indeed, for him. It was a most miserable subterfuge for an honorable man!

#### PROSECUTION.

##### SPECIFICATION FOURTH.

Mr. Graves says: “Reports have been put forth from this city, and circulated in it, that the senior editor of this paper was a vile character, a dishonest man, and that frightful revelations would be made of his standing at home, when the Church trial came off.” In a note he makes the first part of this apply to our pastor. He says: “Elder Howell made this charge before he had been in the city nine months.” We are authorized to say that “Elder Howell” denies this charge, and demands proof from disinterested witnesses. In the absence of such proof it is a falsehood.

Dr. Howell asked that an extract from a letter from one of the deacons of the Freeman Street Baptist Church, Norfolk, Va., of which Church A. B. Hendren, a voluntary assailant, professes to be a member, should be read and appended to and made a part of the testimony under this specification. Mr. Scott acquiesced. Dr. Howell said:

Before reading the extract, he begged to state that he had known Mr. Hendren in his early life. He had been intimately acquainted with his family and relatives, who were excellent people, and most of them members of the Church in Norfolk of which he, in his youth, was pastor; which is to say, from the beginning of 1827 to near the close of 1834. When *this* Mr. Hendren came to this city some months since, he received him warmly, interested himself in his behalf, and did all he could to procure business for him in his employment of a house-builder. He had to this end taken special pains favorably to represent him to his friends. He regretted even now to say one word in disparagement of him, and would not do so, were he not compelled. The extraordinary publication of Mr. Hendren had left him no alternative. He must either be silent, and allow that gentleman to fix his malicious imputation upon him, or he must defend himself by showing from unquestionable sources to what reliance Mr. Hendren is entitled. He did this with the sincerest reluctance. If Mr. Hendren suffered from the exposure he had compelled him to make, he had to thank only himself, and his unscrupulous friend, Mr. Graves.

The extract is as follows :

"I have always regarded A. B. Hendren, and so I think have all who know him well, as an exceedingly excitable, impulsive, indiscreet man, too ready to catch at any thing beyond understanding it, and likely, beyond almost any one I ever knew, to speak and act unadvisedly. In such an issue as that you mention, between him and Dr. Howell, there cannot be two opinions among those who know the parties. You cannot find here a man who has any confidence in Hendren."

Mr. M. B. Howell explained that this letter was in reply to a letter from himself to that gentleman. He had understood that he knew something of the character of Hendren, and he had written to him requesting a statement of the facts within his knowledge, and had received the reply from which the extract had been read.

[From another letter since received from the same gentleman, the following is taken :

"I saw in the last Tennessee Baptist a communication from A. B. Hendren, in which he attempts to charge you with falsehood. It is preposterous to suppose that any thing he could say should injure you. He was notorious here for the violation of his business engagements, and disregard of his word, to such an extent that no one I have ever heard speak of him has the slightest confidence in him." "His whole course here was wayward and vacillating, and his general character in this community was *very far* from being that of a man of *unimpeachable veracity*."

This is the testimony of an officer of the Church of which Mr. A. B. Hendren was a member in Norfolk, Virginia. It will be sufficient, perhaps, to add the following :

FREEMASON STREET BAPTIST CHURCH, Norfolk, Va., April 15, 1858.

At a meeting held this date, a letter was presented from Mr. Andrew B. Hendren, and read, asking for a letter of dismissal from this Church to join the Baptist Church at Nashville, Tenn.

Upon statements made by brethren J. Hardy Hendren and Charles H. Langly, relative to conduct of brother Andrew B. Hendren, while in Salisbury, North Carolina, which they learned from good authority to have been of such a character as to justify his expulsion from this Church—

On motion, Brother Andrew B. Hendren was expelled.

(A true copy of the proceedings.)

JOHN WHITE, Church Clerk.

State of Virginia, City of Norfolk.

This day personally appeared before me, W. A. C. Ellis, a Notary Public for the city and State aforesaid, [John White,] and acknowledged the above writing to be his act. Given under my hand and seal, this the 29th day of November, 1858.

WM. A. C. ELLIS, Notary Public.]

Dr Howell thought it necessary to say so much in regard to the credibility of the gentleman whose certificate Mr. Graves thought proper to foist into these proceedings on the first night of this trial. The Church now knows what weight they ought to attach to the volunteered statement of Mr. Andrew B. Hendren. He repeated that he regretted to present these facts, on account of the pain they will give the family and friends of Mr. Hendren, whom he highly esteemed, but he was compelled to do so in self-defence.

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#### DEFENCE.

Elder Howell has exhausted his strength to impeach the character of Mr. Hendren, since it is evident, from Elder Howell's position taken on the night of the 12th of October, that Elder Howell would be convicted of falsehood in addition to the defamation of private character, should

Mr. Hendren's character for veracity stand. But the fact of Mr. Hendren's expulsion from the Church does not militate against his character for veracity in the least, nor does the statement of an anonymous letter-writer, who is understood to be a relative of Elder Howell, anxious to assist him in this emergency. But who will not say it was dishonorable in Elder Howell to introduce the testimony of an anonymous letter-writer before the Church in order to impeach a witness! But pass the testimony of Mr. Hendren if you see fit, still Elder Howell is convicted by the testimony of J. B. Rutland, J. O. Wright, Elder J. H. Cason, Elder R. G. Kimbrough. (Will the reader turn back and read the testimony referred to on pages 25-27, 36?)

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PROSECUTION.

SPECIFICATION FIFTH.

Mr. Graves says: "What frightful crimes are we charged with? The most stupendous one is the leaving off the D.D. from the name of R. B. C. Howell in the Southern Baptist Register for 1858."

The charge against Mr. Graves had been in his hands, when he wrote the above, several weeks, and he knew that it contained no such charge. The charge is as follows:

We, the undersigned, members of the First Baptist Church, Nashville, Tennessee, charge Rev. J. R. Graves, a member of said Church, and one of the editors of the Tennessee Baptist, with grossly immoral and unchristian conduct, in four distinct cases, as follows:

*First*, in that he has sought to bring upon R. B. C. Howell, the pastor of said Church, reproach and injury, and thus to destroy his character and influence in the Southwest, by forcing him into collision with Rev. A. C. Dayton, late Corresponding Secretary of the Bible Board, and now one of his associate editors, through the publication in his said paper of various false and malicious representations.

*Secondly*, in that he has endeavored to distract and divide said Church, by means of a conflict between its pastor and four of its deacons, and several others of its influential members, which he has labored to produce by numerous inflammatory articles published in his paper.

*Thirdly*, in that he has uttered and published in his said paper against R. B. C. Howell, the pastor of this Church, sundry foul and atrocious libels.

*Fourthly*, in that he has at various times attacked, slandered, and abused ministers and brethren of high character, belonging to our denomination throughout the country, in his said paper. Signed,

J. C. DARDEN,  
C. A. FULLER.

Mr. Graves endeavors to excuse himself by an allusion to the Southern Baptist Register, in which he says the D.D. was left off Elder Howell's name. But the Southern Baptist Register is alluded to only once in the specifications, and then under the first count, which charges Mr. Graves with endeavoring to force Dr. Howell into collision with A. C. Dayton. Leaving the D.D. off Dr. Howell's name could have no influence in forcing him into collision with A. C. Dayton. Nor is it possible that Mr. Graves should suppose it would have that effect. How then could he say that one of the most stupendous crimes with which he is charged, is leaving the D.D. off R. B. C. Howell's name? No such charge is made, nor could Mr. Graves have supposed that such a charge was brought against him. It was a wilful and deliberate falsehood, uttered and published without so much as the semblance of truth.

## DEFENCE.

I submit the entire paragraph from which the few lines of this specification were garbled—giving you another sad exemplification of the unscrupulousness of my accusers.

Reports have been put forth from this city and circulated in it, that the senior editor of this paper was a vile character, a dishonest man, and that frightful revelations would be made of his standing at home when the Church trial came off; but the mountain has been in labor for so long a time, and *what* has it brought forth!! What frightful crimes are we charged with? The most stupendous one is the leaving off the D.D. from the name of R. B. C. Howell in the Southern Baptist Register for 1858! That we have attempted to defend Brother Dayton against the attacks of Henderson and a party in the Bible Board, is true, and that we have maintained, against the declaration of Elder Howell, that the members of the First Church selected last fall by the Committee of one from each State to nominate a Sunday-School Board, are, in all respects, in our opinion, competent men to discharge the duties of the office, we also confess, and we still think so, and we still affirm so against all men. That we have said some things displeasing because true, to some of these D.D.'s mentioned in the bill of charges, is also true, but for all or nearly all these things we have received the warmest approbation of the whole denomination.

The exclamation-point after the sentence in my article, *which they were careful to omit*, clearly enough indicates its figurative character. It has deceived no one except these two gentlemen. The point of exclamation indicated that I was laughing to scorn such a proof of guilt as the omission of the D.D. from Elder Howell's name. I would return the specification to Mr. Scott without further remark, with the suggestion that he quote my language correctly before he presumes to indict me for immorality, unless I wished to say something more about this affair of the D.D.

The charges and so-called specifications were preferred and published during my absence in the South. Upon them Elder Pendleton, my associate editor, commented pretty severely. He could form no opinion of what was referred to in the *papers* referred to, but thought that since the Southern Baptist Register contained only sixty pages, he could find any thing that Elder Howell might construe into an offence. I quote from his article on this point:

## THE CHARGES AGAINST J. R. GRAVES.

The First Baptist Church in Nashville, as indicated in our last issue, has suffered charges to be brought against the senior editor of this paper. They are serious charges, but the specifications under them are frivolous, childish, ridiculous. "*Grossly immoral and unchristian conduct*" is charged; and what has been before the world for months in the Tennessee Baptist and Southern Baptist Register is relied on for proof. The specifications, if I understand them, are not as definite as they ought to be made. But let this pass.

It is said the pastor, Elder R. B. C. Howell, has been *slandered*. This is to be established by what the senior editor has published of Elder Howell in connection with the Southern Baptist Sunday-School Union, and, I suppose, by the mention made of him in the Baptist Register. I have looked through the Register, (the last one published,) and I see nothing that can be construed into slander, except that "Elder R. B. C. Howell, of Virginia," is named as President of the Southern Baptist Convention, and "D.D." is not appended. I think Romanists would regard this as a *venial* and not a *mortal* sin. What the First Church will decide about it I do not know. That Elder Howell has an exalted appreciation of the dignity, greatness, and glory of the title, is manifest; for he has been known to

ask a familiar acquaintance to inquire at the Post-office "for a letter for Dr. Howell."

I read the Register, and decided without doubt that this was the offence, and on my return I noticed facts that were brought to knowledge by the brethren. I give my article entire :

THE FIRST BAPTIST CHURCH IMMORTALIZED.

We have read of Baptist ministers whose blood was spilt in ancient times in other lands because they told the truth. We have heard of those in our own country who were threatened with imprisonments and stripes for the same cause. Our blood has curdled at the thought that here, in the very land we live upon and love to boast of as our own, there have been those bearing the name of Christians, who have inflicted bodily injury upon such as ventured boldly to tell all they believed concerning the principles and practices of our denomination, but they were Pedobaptists and did it under color and protection of the laws of the land. It has remained for the First Baptist Church in Nashville, in the year 1858, under the pastorate of Elder R. B. C. Howell, to furnish to *history* the first example of a *Baptist*, without law, and in defiance of all law, human and divine, to resort to threats of personal violence against a member and a minister in his own Church—and *this* Baptist the man selected by Elder Howell to be the accuser of ourself, in the case now pending! *Is not this a most significant fact?* And is not this another significant fact: that, although this is known to leading members of the Church, and he was understood strongly to intimate in the very presence of the Church itself his intention to carry these threats into execution, he is not arraigned or called upon to answer or explain, while we are charged before the Church with grossly immoral and unchristian conduct for leaving the "D.D." off Elder Howell's name in the Baptist Register, (for this is all we can think of or find there to his disadvantage,) and for kindly and courteously defending ourself from the unlooked-for and gratuitous attacks which Elder Howell made upon us from time to time?

I had no doubt, and still have none, that the omission of the D.D. was the first specification. 1. Elder P. had charged it publicly; and when C. A. Fuller and others reviewed his article at the Church-meeting, he did not intimate that Brother Pendleton charged falsely in charging that the omission of the D.D. was the matter referred to in the Register, but *he vindicated Elder Howell's right to the title with great vehemence*, and claimed that Elder Howell had a right to call himself Dr. Howell, (as he is proverbially wont to do.) This fact confirmed me in my opinion. It was not denied by any friend of Elder Howell's before the night of the 12th of October, that I could learn, though much was said of it.

Elder Howell had a good reason for thinking that I designed to make an invidious distinction, provided he had only the first edition of the Register for 1858. I designed to strike the D.D. off every name in it, and thought I had until after several thousands had been printed, but found that they had been left upon Elder Jeter's name and one or two others. In the revised editions they were all taken off. In the first copies, then, owing to this oversight, Elder Jeter's name appeared with the D.D., and Elder Howell's following it without the "fardels," and it did look as if something was intended. If it had been intentional, I deserved censure. But it was an oversight altogether. I have ever been satisfied that my explanation of the matter reached the ear of Elder Howell, and becoming aware that his vanity would be openly exposed, he thought best to be silent about it.

I think the fact that when Mr. Fuller read the specifications under the first count, he made no reference to the Register, and the additional fact that when Elder Howell made his argument upon the first specification, that he omitted noticing the Register, but treated the *second* as the first, and did not discuss the first specification at all, are very conclusive facts that he had been shamed out of his purpose to vindicate his title.

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PROSECUTION.

SPECIFICATION SIXTH.

Mr. Graves says: "We are arraigned before the Church for grossly immoral conduct, and atrocious libel, etc., because we have left the D.D. off Elder Howell's name."

The Church knows that this is false, and you all remember that Mr. Graves admitted before the large concourse of people assembled in this house, in the beginning of this trial, that when he wrote this sentence he had the charges (as just read) in his possession.

He therefore knowingly and deliberately, with the truth before his eyes, preferred the falsehood. He deliberately penned, printed, published, and circulated, to thousands of readers, a falsehood in preference to the truth. This assertion, like the foregoing, is utterly destitute of so much as the shadow of truth, and Mr. Graves knew it.

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DEFENCE.

My only defence is an arraignment of Sam. Scott and A. Nelson, who prefer this charge, with grossly immoral and unchristian conduct in intentionally garbling my language in order to manufacture proof against me. It would seem that the same unscrupulous hand prepared all the charges and specifications—men without regard to truth or honor. (See Mr. Jewell's testimony in first charge.) My prosecutors place a period, and end my sentence at "name," giving one sense to my language, whereas it is far removed from there, which gives another sense to it. I was giving a summary of what I supposed—for I could only conjecture—were the specifications relied upon to sustain the charges, and the point of the paragraph to show the partyism that ruled the Church. I was arraigned for the supposed offences, while C. A. Fuller, guilty of language that would have disgraced a rowdy, was the honored man among them. Here is my whole sentence:

**PARTYISM.**—We are arraigned before the Church for grossly immoral conduct and atrocious libel, etc.; because we have left the D.D. off Elder Howell's name—because we vindicated the innocence of Elder Dayton from his malignant enemies in the Bible Board; because we have affirmed, against Elder Howell, that there were four of the deacons and several members of the First Church that were fully competent to act as the Managers of the Sunday-School Union, and because we have dissented from sundry acts and sentiments of certain D.Ds. For such momentous crimes as these are we forced to submit to the disgrace of a trial by Elder Howell, while one of the very prosecutors he employs, C. A. Fuller, can threaten to cowhide Elder Dayton, not only in his office, but even in the hearing of the whole Church, and before Elder Howell's face, and not so much as a reproof is offered him, nor did the Moderator selected for our trial, C. K. Winston, *so much as call him to order!!*

## PROSECUTION.

## SPECIFICATION SEVENTH.

Mr. Graves says: "One of the very prosecutors he (Howell) employs, C. A. Fuller, can threaten to cowhide Elder Dayton, not only in his office, but even in the hearing of the whole Church, and not so much as a reproof is offered him."

"The whole Church" present at the time referred to by Mr. Graves in this specification, heard, doubtless, every word that C. A. Fuller said, and well know that he said no such thing.

But that truth may be doubly vindicated, and unblushing falsehood exposed, we ask again, brother Moderator, that you will request all the brethren and sisters who were present on the occasion referred to, and who understood Mr. Fuller to threaten to cowhide Elder Dayton, to rise.

Then ask, if you please, all who know that Mr. Fuller did not so threaten Mr. Dayton, to rise.

The Moderator. All who were present at the meeting of the 21st of September, and know that Mr. Fuller threatened to cowhide Elder Dayton, as charged by Mr. J. R. Graves, will rise.

None rose.

The Moderator. All those who were present at that meeting, and know that Mr. Fuller did not threaten to cowhide Elder Dayton, as charged by Mr. Graves, will rise.

Upon a count it was ascertained that fifty-six were standing.

Mr. Scott resumed:

This specification, also, Brother Moderator, is sustained by the testimony of fifty-six unimpeachable witnesses. The allegation of Mr. Graves is proved to be a bold and unblushing falsehood.

## DEFENCE.

Mr. Fuller resorts to this sort of manœuvre with the brethren and sisters to make the impression upon the public, 1. That he never threatened, in his office, to cowhide Elder Dayton; 2. That he never, virtually at least, repeated the threat in a Church-meeting. We were not in the city at the time, but wrote from information received by brethren present.

I submit the testimony of H. R. Buchanan:

Soon after A. C. Dayton's review of the published report of the Bible Board, several members of that Board, who did not vote for the report, met together and deemed it prudent to investigate the facts involved in the controversy. In order to do which, I called upon C. A. Fuller in his office, and remarked to him that I wished to make a request, but was not entirely certain whether it was right or wrong to do so. He inquired what it was. I stated that A. C. Dayton held the entire Board responsible for that publication as injurious to himself, and several of us, not willing to be condemned as a party in that action, desired to investigate matters at issue, and, as one important item was in connection with the Treasurer's books, I wished to obtain his books for examination. He replied that he could not allow his books to go out of his hands—that wherever his books went he must go; the books were so kept that it was necessary for him to be present to explain the entries; because moneys were frequently collected and presented to him in company with papers, by Dayton, even a month after collection, and he usually entered the funds to correspond with the papers. Upon this I remarked that I did not wish his books. He then stated that there would have been no difficulty if Dayton had acted the part of a gentleman and an honest man. He said that Dayton had published him to be a liar, and that he would hold him per-

sonally responsible, and that he would address him a note that day informing him that he held him (Dayton) personally responsible for all that he had published against him—that he would exonerate him from all Church responsibilities and take the matter into his own hand, and take satisfaction out of his hide; and that he would follow him through life but that he would have his satisfaction and expose him—that he would take a cowhide and cowhide him whenever and wherever he saw him. He said that he met Dayton a few days ago on the bridge, and he would have hauled the dog out of his buggy and given him a sound thrashing then and there, had it not been for a lady in company.

I can further state that I was in the Church-meeting of the First Church in September, 1858, and heard the language C. A. Fuller used toward A. C. Dayton, and I understood it as a repetition of the threat of personal violence which he had previously made in my hearing in his office.

"We were present when Brother C. A. Fuller, at a Church-meeting in September, 1858, so expressed himself as to induce us and others to believe that it was his intention to inflict corporal punishment upon the person of Elder A. C. Dayton. In fact, we thought such excited language and, as we think, threats, were unbecoming a Christian in the house of God, and ought not to have been tolerated by the Church or its pastor."

C. G. CREIGHTON.  
H. G. SCOVEL."

We take the following paragraph, written by Elder Dayton, from the Tennessee Baptist:

The threatening language referred to above by "A brother," or words to the same effect, were, we have been told, addressed by Brother C. A. Fuller to H. R. Buchanan, a deacon of the Mill Creek Church, a member of the Bible Board, and the Clerk of the Concord Association. We do not know to how many others similar threats may have been uttered. There were many persons present who understood Brother Fuller to intimate very strongly, *in his speech before the Church* on Tuesday night, his intention to carry them into execution, and yet he was not called to order for his offensive personalities, nor did the Church seem to feel that there was any thing improper in such intimations. It remains to be seen whether Brother Fuller will attempt to *accomplish* what he proposes to do. But enough has already transpired to show the spirit which actuates those who conduct this prosecution.

#### Testimony of Elder Dayton himself:

I was present in the Church-meeting when C. A. Fuller made use of what I regarded as violent and threatening language toward myself, which I understood to refer to the cowhiding which he had previously informed Brother Buchanan was in reserve for me. Brother Sperry, of Rutland Church, was present and rode home with me, and though he had not heard of those threats to Brother Buchanan, yet said he understood some personal violence to be threatened by Fuller in his speech. Deacon Cobbit, of the Cherry Street Baptist Church, told me, a day or two after, that he understood Mr. Fuller in the same way, and advised me to be upon my guard.

#### Testimony of W. P. Marks:

I was present at the Church-meeting and heard the threatening language of C. A. Fuller. I thought then, and still think, that he alluded to the chastisement so recently threatened in the presence of Brother Buchanan; although he did not use the same language in the Church that he did to Brother Buchanan, yet his language was such as to leave no doubt as to what he alluded to. The Church was called on to vote whether C. A. Fuller did or did not say in the Church that he would "cowhide Dr. Dayton." Had the prosecutors been governed by even a moderate degree of fairness, they would not have put that question to the Church in the language given; but it served their purpose best in that form. They were very careful not to ask, how many heard C. A. Fuller threaten Dr. Dayton with "another tribunal," and various expressions of similar import. Mr.

Fuller will not deny that he used such expressions, clearly amounting to a threat, and that is all that Brother Graves claimed; and Sam. Scott's "fifty-six unimpeachable witnesses" well know that such threats were made; yet all is reversed, and a "*unanimous vote*" is recorded simply upon a play of words. Such is the *justice* measured out under the sanction of an "*impartial Church trial*."

W. P. MARKS.

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PROSECUTION.

SPECIFICATION EIGHTH.

Mr. Graves says: "The principal orator of the 21st of September [Dr. W. P. Jones] is not only known to Elder Howell as a teacher of gross heresy in his class, teaching views calculated to overthrow one of the articles of faith of the First Baptist Church, a fundamental article of Christianity and religion, but known also to Elder Howell and the Church as the public defamer of Elder J. M. Pendleton; not only so, but he is permitted to defame Elder J. M. Pendleton in the Church meeting of the 21st, before Elder H.'s face, without receiving so much as a reproof from Elder H."

"Elder Howell," we are authorized to say, knows nothing of Dr. Jones's heresies in the case charged, except through the statement of Mr. Graves, upon whose veracity he has learned not to rely.

"Elder Howell" and the Church do not know Dr. Jones as the public defamer of Elder J. M. Pendleton.

Elder Howell was not the Moderator of the meeting of the 21st of September, and therefore, even if Dr. Jones had then and there defamed Elder J. M. Pendleton, was not in a position to administer a reproof. The whole statement is a falsification.

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DEFENCE.

1. That Dr. W. P. Jones holds heretical views of doctrine, and such views as are in themselves subversive of the gospel of Christ, is well known to all who are acquainted with his doctrinal views. He is a rank Arminian touching the vital doctrine of the final salvation of all believers. He holds that a saint's continuance in a regenerated state depends upon his own works, and not upon the continuing grace of God, and therefore it is possible for true believers and the adopted children of God to fall from a state of regeneration and adoption, and perish everlastingly. This doctrine Elder Howell well knows is subversive of the whole system of salvation by grace only. But this doctrine Elder Howell, and other leading members of the Church, knew Dr. W. P. Jones was openly avowing and industriously teaching to his Bible-class Sabbath after Sabbath, and yet he gave it the approbation of his silence.

I was first informed of this fact by Elder Dayton, who said he had been requested to be present and take part in the discussion of the subject before Dr. Jones' class, and that he intended to do so, for Dr. Jones had made converts to his views of nearly all the class. Subsequently, Timothy Haley, a member of the class, called upon me, and I questioned him touching Jones' doctrine and teachings, and he informed me that Jones did teach the doctrine of apostasy from grace, and that it was true that he had carried all the class but one or two into his views, and confessed that he himself embraced the views of Jones, or could not answer him. That Elder Howell well knew this, I submit the testimony of two of his members who had informed him of the fact.

## STATEMENT OF A. C. DAYTON.

On the occasion when I visited the Sabbath-school of the First Baptist Church, I went into the room occupied by the young men forming the Bible-class. I found some twenty intelligent and promising young gentlemen, most of them, I think, members of the Church. The lesson was one in which the subject of the possibility of the final apostasy of a true child of God came up for discussion. I observed with great regret that almost all those who spoke upon the subject, including their teacher, Dr. W. P. Jones, advocated the doctrine of apostasy.

Some time very shortly afterward, I asked Elder Howell if he was aware of the nature of the teachings there upon this subject. He said that he was not, and on my informing him what they were, he replied, "*I will set that matter all right; I will preach a sermon upon that subject.*" He seemed really to regret the facts, and I expected he would do what he said. Whether he ever has done it I do not know, but he was certainly *informed* that Dr. Jones was teaching this false and dangerous doctrine to the most promising young men of his Church, and certainly did *promise* to exert himself to counteract the influence of such false teaching.

A. C. DAYTON.

## STATEMENT OF MRS. ANN M. CREIGHTON.

In the course of a conversation held with R. B. C. Howell, in the early part of the summer of 1858, I remarked to him, (in speaking of some things I did not like in Dr. W. P. Jones' conduct,) that Timothy Haley (a member of Jones' Bible class) said, he (Jones) was teaching his class the doctrine of apostasy, or the possibility of falling from grace, and that I did not think Dr. Jones was fit to teach a Bible or any other class in the Sabbath-school. As our conversation continued on that topic, Dr. Howell said, "I will preach a sermon on that subject shortly."

ANN. M. CREIGHTON.

2. That this Jones is the public defamer of Elder J. M. Pendleton, is well known to all familiar with the pages of the *Parlor Visitor*, edited by this same Jones. His defamations of Elder Pendleton and of the senior editor of the Tennessee Baptist were the ruin of his Magazine. The Baptists turned from it with a loathing and disgust. It will be all-sufficient to refer you to one article only, published in November, 1856. That scurrilous article convicts Dr. W. P. Jones of being the public and unscrupulous defamer of Elder J. M. Pendleton. The next question is, Did not Elder Howell know this? No man doubts it. Did not this prosecutor, Sam. Scott, know it? and if so, has he not indicted me for a statement which he publicly charges to be false, "grossly immoral and unchristian," when he knows, before his God, that I stated a fact? If I can establish this, what estimate will you, will the public, place upon his moral principles?

## STATEMENT OF ELDER J. M. PENDLETON.

In October, 1855, I attended the General Association of Middle Tennessee, at Shelbyville. The unpleasant difficulty between J. R. Graves and W. P. Jones had just been settled to the great satisfaction of the brethren generally. Elder W. H. Bayliss, pastor of the First Baptist Church, Nashville, seemed much delighted, and insisted there ought to be a protracted meeting held with the Church without delay. He spoke to me on the subject while at Shelbyville, and said I was the man to aid in such a meeting. He explained by saying that he wished Graves to take part in the meeting and to be brought more prominently before the citizens of Nashville *as a preacher* than he had been for some time, owing to the difficulty which had just been settled. He said he knew Graves and myself had labored together in meetings—that we understood each other—could cooperate harmoniously, etc. Brother Bayliss manifested great anxiety for

me to attend the meeting he proposed to have. I have no recollection that any pastor ever urged me more earnestly to attend a meeting. I presented objections. I stated that I wished to attend the General Association of Kentucky—that I had been laboring under an affection of the throat for six months—not allowed by my physician to preach more than once a week—was not able to go into a protracted meeting, etc. I knew there had been some unpleasant feeling toward me on the part of Messrs. J. D. and C. K. Winston, W. P. Jones, and S. M. Scott, on account of something I had published as to the manner in which the first edition of the "Old Landmark" was brought out. I wished of course to know whether that feeling still existed before I would agree to engage in the proposed meeting. I was assured there was no unkind feeling toward me. The three gentlemen last named were at the General Association at Shelbyville, and I learned there that they were in favor of my attending the meeting. I saw Dr. J. D. Winston on my way home. I then lived in Bowling Green, Ky. Dr. Winston said to me while I was in Nashville, "It is much more important for you to attend a meeting here than to go to the General Association of Kentucky." I then felt there was nothing in the state of things at Nashville to prevent my attending the meeting, and I was strongly inclined to it. I think Brother Bayliss said the Church had authorized him to select a preacher for the meeting—that I was the man, etc., for the reasons already given. Having reached home, my physician learning what was in contemplation, protested most earnestly against my returning to the meeting. He said if my feelings became enlisted as usual in such meetings, I would probably ruin my throat and endanger my life. Brethren and sisters protested against my leaving home. In spite of remonstrances I returned to Nashville and labored night and day, I think, for two weeks. I preached until I was able to preach no longer. I went home suffering great physical debility and exhaustion. It was during the next year, 1856, that Dr. Jones published a long defamatory article against me in his Parlor Visitor. Referring to me and my labors in Nashville, he used the phrases, "sanctimonious airs," "money received," etc. My self-respect forbade a reply. I thought for some time Brother Bayliss would say something in my defence. I knew very well that in similar circumstances I would have defended him at the risk of my life. I thought, also, Surely Dr. J. D. Winston (whose guest I was during the meeting, and whose oldest son joined the Church) will say something in my vindication. I knew if he had been my guest for two weeks, and any one had made a publication prejudicial to his reputation as a physician, I would have vindicated him at every hazard. There was no vindication for me. There has been none to this day. I now understand Elder Howell's party as endorsing Dr. Jones's article against me. Money being referred to in that article, and the impression being made on the reader that I, with a "sanctimonious air," preached for money, it is proper for me to say that I asked nobody directly or indirectly for money. What was given was given voluntarily, and as I needed it I was thankful for it. The amount handed me was \$50; my stage fare was \$10; so that my compensation for two weeks' labor was \$40. I do not recollect that there was any thing peculiar about the money, though there ought to have been on account of the figure it has since cut.

In the so-called trial of J. R. Graves, S. M. Scott says, "Elder Howell and the Church do not know Dr. Jones as the public defamer of Elder J. M. Pendleton."

I am sorry my former friend Scott said this. He did not express himself in this way in November, 1856. During that month Mrs. Pendleton and myself were at the City Hotel. Jones' article was the topic of conversation. I took but little part in the conversation; but I heard what was said. Scott expressed his regret that Jones had published such an article, and said Jones regretted it. When Mrs. Pendleton alluded to the circumstances connected with my labors in the protracted meeting, and to Jones' words, "sanctimonious air," "money received," etc., Scott appeared so deeply mortified that I, out of regard for his feelings, proposed that no more be said on the subject. The matter was accordingly dropped. It is not my business to explain why Scott now says, "Elder Howell and the Church do not know Dr. Jones as the public defamer of Elder J. M. Pendleton." He of course includes himself in the Church. He cannot mean that he did not

know of Jones' article. He must mean that the Church does not consider the article defamatory. Very well. Let it be so. I understand, then, that the Church—that is, Elder Howell's party in Nashville—sanctions Jones' article, and wishes to be known as entertaining the opinion that I, with a "sanctimonious air," that is, acting the hypocrite, preached in that protracted meeting for money, and ran the risk of doing myself an irreparable injury for the same *forty dollars*.\* He who can believe this must be either blessed or cursed with more than an ordinary measure of credulity. As to my motives in preaching in Nashville—as to Jones' motives in publishing his article—as to the motives of Scott in apparently approving, to say the least, what he formerly regretted—the last day will reveal them.

J. M. PENDLETON.

3. The last point. Did not Dr. Jones ridicule and defame Elder J. M. Pendleton in the Church-meeting in the hearing of Elder Howell, and Sam. Scott, and A. Nelson, and all others present, and that too without any regret or disapprobation having been expressed by Elder Howell or any one present? This fact my prosecutors well know—they heard it with their own ears—it was public talk, and the Church was disgraced by the scene; and yet Sam. Scott and his coadjutor charge me with falsehood for stating what I had seen published in the *Tennessee Baptist*, by an ear-witness, before I referred to it.

Elder Dayton, who was present that night, wrote this paragraph in the next paper:

Pending the discussion upon the resolutions requesting the Church in Murrensboro to take some means for preventing Elder Pendleton from writing any more such articles as the one in the last number of this paper, Brother W. P. Jones, former editor of the Parlor Visitor, called up a most earnest and solemn appeal, which was made to the Church by Elder Pendleton when he was holding a protracted meeting here, at the request of the Church, some two years since, and presented it in a light so ludicrous, as the exhibition of a hypocrisy so detestable, that he excited the audible laughter of the light-minded, and even some young members of the Church. He was called to order by the Moderator, but not until he had been permitted to go far enough to outrage the moral sense of many of the most serious and worthy members of this Church, and of brethren from other Churches who were present to witness the proceedings.

Now the statement of such facts as these is doubtless *injurious* to the character and standing of those who are guilty of such outrages on all religious decency, but such a statement is not "*injurious or defamatory*" in the sense that it is *slanderous* or libellous, for it is strictly and literally *true*.

We do not know but *this very article* may be regarded by our brethren as "*injurious and defamatory*," and hope at the next meeting they will explain, so that we may hereafter be able to conform to their requirements, so far as a conscientious regard to the cause of truth and righteousness will permit.

[This fact was also corroborated by the concurrent testimony of Deacons Scovel, Shankland, and others.]

With these facts, I leave you to decide if Elder Howell, in order to assist in my conviction, did not authorize Sam. Scott and A. Nelson to state what he well knew to be false, when he denied any knowledge of Jones' heresy except through my statement, and I leave you also to decide if these prosecutors, and especially if Sam. Scott has not indicted me

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\* I hope to be excused for mentioning the amount of money I received; for, as has been intimated to me, the impression made on some has been that I received *hundreds of dollars*.\*

for stating what he well knew to be a true statement. Their position is unenviable in this matter.

SPECIFICATION NINTH.

In an article published by C. A. Fuller, he used, in the closing sentence, the following language:

"I defer further remarks until a future opportunity, when A. C. Dayton shall have no occasion to say he has not reaped an ample reward for the vituperation in which he has of late so freely indulged." Upon this sentence Mr. Graves says: "Our readers will notice the closing period of Mr. Fuller's article. It is singular language for a Christian gentleman to use toward a brother in the same Church, and a brother Mason. Such threats of brute violence, which have been twice repeated—once to Brother Buchanan, and once upon the floor of the Church, in Church-meeting—reflect no credit either upon Mr. Fuller's *bravery* or his principles."

Does deferring further remarks to a future opportunity constitute a threat of brute violence? Mr. Fuller made no such threat, and it must be evident to every member of the Church, upon the bare reading of this language of C. A. Fuller, that it contains no threat of brute violence. The statement of Mr. Graves is, therefore, plainly false.

Many other specifications might be presented, but these are sufficient. It is unquestionable that Mr. Graves is guilty of falsehood as charged against him.

The Moderator. Are there any remarks to be offered in defence? If not, we shall proceed to put the question to the Church.

The Moderator. Those members who believe that the charge of falsehood against the Rev. J. R. Graves has been sustained by the evidence adduced, will rise.

Upon a count, it was ascertained that seventy-nine were standing.

The Moderator. Those members who believe that the charge of falsehood against the Rev. J. R. Graves has not been sustained by the evidence, will rise.

None rose.

The Moderator then declared that the Church had unanimously decided that the charge of falsehood against the Rev. J. R. Graves had been sustained by the evidence.

Mr. Fuller said, it seemed from the evidence submitted to the Church, and the decisions arrived at so far, that there could not be a doubt as to the guilt of the accused—that he had been found guilty upon every count; and as to the duty of the Church in the premises, there could be no question. The Church should put upon the accused the highest seal of its condemnation. He was satisfied the Church had acted throughout this trial with the firm determination to do justice, let the consequences be what they may, and with that action he should be satisfied.

Mr. Fuller moved that,

WHEREAS, Each Church is the divinely appointed guardian of the morals of its members; and *whereas*, Rev. J. R. Graves has, upon an impartial trial, been found guilty of grossly immoral and unchristian conduct:

*First*, in that he has sought to bring upon R. B. C. Howell, the pastor of said Church, reproach and injury, and thus to destroy his character and influence in the South-west, by forcing him into collision with Rev. A. C. Dayton, late Corresponding Secretary of the Bible Board, and now one of his associate editors, through the publication in his said paper of various false and malicious representations.

*Secondly*, in that he has endeavored to distract and divide said Church, by means of a conflict between its pastor and four of its deacons, and several others of its influential members, which he has labored to produce by various inflammatory articles, published in his paper.

*Thirdly*, in that he has uttered and published in his said paper against R. B. C. Howell, the pastor of this Church, sundry foul and atrocious libels.

*Fourthly*, in that he has, at various times, attacked, slandered, and abused min-

isters and brethren of high character, belonging to our denomination, throughout the country, in his said paper.

*Fifthly*, in uttering and publishing nine wilful and deliberate falsehoods, specified in the foregoing proceedings. Therefore,

*Resolved, That the Rev. J. R. Graves be formally excluded from fellowship in this Church.*

The Moderator stated that the question under the motion just submitted was open for discussion, and any one having remarks to make would now be heard.

Mr. S. A. Davidson said he had on a former occasion expressed a desire to make some remarks upon the points involved in this trial. He had a motive in view then which does not hold now, and, consequently, he had but little to say. He stated that he had sympathized with the minority at first, and disapproved of the action of the Church in this matter, because he believed it was a personal quarrel, that ought to have been settled privately. He also disapproved of the course of the minority, because he feared it would result in injury to the Baptist Church. The object he had in desiring to address the Church, was to see if something could not be done to avert the consequences which were likely to result from the action of the Church on this matter. But, alas, it was now too late to effect what he had desired—the harmony and the welfare of the Church. He believed that it was a fixed fact that Mr. Graves was to be expelled, and it would, therefore, be folly to say any thing in the hope of averting this result.

Dr. W. P. Jones thought the brother was not in order.

The Moderator decided that Mr. Davidson was in order.

Mr. Davidson, resuming, said, that from the evidence adduced on the trial and the protest of Mr. Graves, he learned that the difficulty between Dr. Howell and Mr. Graves had its origin in misunderstanding each other. Dr. Howell had opposed the proposition in the Convention here last year for the establishment of a Sunday-School Board of Publication, and he had opposed it in an able manner, as he always does oppose or advocate a measure, and Mr. Graves had defended that proposition, and he thought neither had done wrong in this respect, and his opinion was that this difference in regard to the policy of establishing a Sunday-School Board of Publication was not a matter for Church discipline. Both claimed to have been the assailed party, and either had a right to demand a personal explanation. Dr. Howell's "Index letter," as it is called, was regarded as an assault upon Mr. Graves, but Mr. Graves did not proceed in regard to what he complained of in this respect according to the eighteenth of Matthew, but assailed Dr. Howell in return, and thus widened the breach.

Mr. Davidson said that in cases like this, he thought the one that complained ought to have sought a private interview, in the hope of bringing about a proper adjustment, and he thought Dr. Howell was the one to have made this advance. In regard to the proposition that had been made for a settlement of the difficulty, he was not prepared to give it his sanction. For a man to take back what he had said was not always the best mode of settling difficulties between Christians, and, therefore, he thought the demand should not have been made. When a difficulty occurs between politicians and editors, and the matter is referred to friends, if a retraction is demanded and refused, a duel is the consequence. To make a statement and then take it back, carries with such a course a species of degradation, because the statement was made upon what the author regarded as reliable authority. He had, therefore, rejected Dr. Howell's proposition, and this was the reason he wished to address a few remarks to the Church. Christians should have a better way of settling difficulties than this. They can forgive one another, according to the gospel, whose teachings they profess to follow. It was godlike to forgive, and it was in this spirit he had desired to appeal to the Church; but, alas, it was now too late.

In regard to the specifications in the charges, Mr. Davidson thought there might as well have been ten thousand as ten, as they were all a good deal alike, and when divested of every thing of a personal and exciting nature, they were not of so serious a character that a satisfactory adjustment might not have been had without an appeal to the Church. Neither Dr. Howell nor Mr. Graves will outlive the evil consequences to the Baptist Church of this trial.

He deeply regretted the action of the Church. Mr. Graves's friends do not believe the charges, and will treat the decision of the Church with contempt.

Dr. Howell said:

Brother Moderator, I did not intend to have spoken again in the progress of this trial. I desire, however, to say a few words, and they shall be as few as possible, in answer to Brother Davidson. He will allow me to assure him in advance that every remark I may think it my duty to make, shall be uttered in Christian courtesy, and with that sincere personal regard that I have so many reasons to cherish. I have known him for many years. I have known his father from my youth. Two of his brothers were fellow-students with me in college. They both became ministers, and I loved them sincerely. I am under special obligations to him for kind attentions shown me in years past, in hours of disease and intense suffering. In the course he has thought himself obliged to pursue in regard to this trial, I believe him to be actuated by pure motives, and a sense of obligation to the cause of Christ. I cannot, therefore, speak of him but in terms of unaffected respect. He has, however, greatly mistaken both the *facts* in the case, and the *teachings* in regard to them of the word of God. Of this I cannot but hope he will himself be convinced when they are properly before him. But, however this may be, he and you will, I trust, hear me candidly and patiently.

Brother Davidson tells you, Brother Moderator, that he "disapproved the action of the Church in this matter." Why he did so he has distinctly stated. I am glad that he has, since we can now examine his reasons dispassionately, and show him and others who have entertained similar impressions, that they are wholly without foundation. He believed the whole disturbance, as he says, "a private quarrel which ought to have been settled privately," and that, therefore, the Church, when the charge was preferred originally by Brethren Darden and Fuller, and subsequently additionally, by Brethren Scott and Nelson, ought not to have entertained it; and having entertained it erroneously, he believed that you ought, when the motion was made, to have remanded it—that is, dismissed it, on account of its informality. This is the ground taken, as you know, by the Tennessee Baptist, the conductors of which then had Brother Davidson's ear. He has not read that paper, he tells us; I do not question the statement. I only know he uses its thoughts and language. Nor has his conversation been with those who would be likely to correct his erroneous impressions. An article appears on the first page of the "Baptist Standard" of this week, proving that the facts are all precisely the opposite of what Brother Davidson supposes. Every word of that article I endorse, and wish it to be considered and recorded as my answer to his speech.

The Moderator inquired if any other brother desired to offer any remarks; if not, he should proceed to put the question. No one responded.

The Moderator. The question before the Church is, *Shall the Rev. J. R. Graves, upon the charge now before you, be expelled from the fellowship of the Church?* Those who believe that the Rev. J. R. Graves should now be expelled from the Church, will rise.

Upon a count, it was ascertained that seventy-eight were found standing.

The Moderator. Those who believe that the Rev. J. R. Graves should not be expelled from the fellowship of the Church, will rise.

None rose.

**THE MODERATOR. THE REV. J. R. GRAVES IS UNANIMOUSLY EXPELLED FROM THE FELLOWSHIP OF THE FIRST BAPTIST CHURCH IN NASHVILLE.**

Dr. Howell wished to make a suggestion. Brethren from all parts of the country were calling for information in regard to this trial. Letters had been received asking why the Church had not been heard, and it was evidently necessary that the proceedings of this trial should be published. He, therefore, moved that the proceedings be certified by the Reporter and the Clerk, and published, that all may see what has been said and done; and that Brethren S. M. Scott, W. F. Bang, and A. Nelson be appointed a committee to superintend the publication of the same in the Baptist Standard, and that they have a sufficient number of copies printed in pamphlet form to meet any demand that may exist for information in regard to the trial.

The Moderator inquired whether the remonstrance from the Baptist Church at Murfreesboro, and that from Elder J. M. Pendleton, should appear with the proceedings.

Mr. Fuller explained that the matters to which they referred had no immediate connection with this trial.

The motion of Dr. Howell was then concurred in.

Mr. Fuller suggested, as the proceedings of the trial were very voluminous, the editor of the "Baptist Standard" be authorized to publish such portions in his paper as he might deem proper.

Mr. Woolfolk, the editor of the "Baptist Standard," thought it best that the entire proceedings should be published in the paper, and it was so ordered.

Mr. Fuller said that the response from the Baptist Church at Murfreesboro, as well as that from Elder J. M. Pendleton, which had been received and laid upon the table, ought to be taken up and acted upon. He, therefore, moved that when this meeting shall adjourn, it adjourn to meet Monday night next, for the purpose of considering these responses, and any other matter that may be brought before the meeting.

The motion was concurred in.

Dr. Howell said it had been reported that a number of letters had been received protesting against this trial. He had received none himself, and he desired to inquire of the Clerk whether he had received any such letters from Associations, Churches, or individuals.

The Clerk stated that he had received only two such letters, one from an Association and one from a Church.

Mr. Fuller submitted a motion that a committee of three be appointed, whose duty it shall be to prepare a reply to the letters from the Association and Church mentioned by the Clerk, and also to prepare and report business for the action of the meeting on Monday night.

The motion was concurred in, and

The Moderator appointed Messrs. C. A. Fuller, W. P. Jones, and A. Nelson, said committee.

The meeting then adjourned with prayer by Mr. Woolfolk.

## DEFENCE.—CLOSING PLEA.

QUESTION—WAS I JUSTIFIED IN RESISTING TRIAL UNDER THE CIRCUMSTANCES?

PLEA II.—RECAPITULATED AND CONCLUDED.

THE second plea I presented in the outset of this examination to sustain my course in resisting a trial was, *that it would have been wrong for me to have gone into the proposed Church trial under the circumstances, and therefore I am not chargeable with the sin of rebellion against Church authority, or promoting schism, as charged upon me.*

My first ground is,

1. The offences charged were *individual, personal* offences, and not what are ecclesiastically classed as public offences, and therefore the parties were bound by the law of Christ governing personal offences found in Matt. xviii.

You should have the distinction between a personal or individual offence and a public sin clearly settled in your mind.

*What is a public offence or sin that is to be dealt with according to directions laid down in 1 Cor. v. 4, 5?*

The offence there specified is that of *fornication*—a brother had mar-

ried his father's wife. It was an open and palpable infringement of the decalogue and the law of Christ. It openly disgraced Christianity, and equally scandalized all who bore the Christian name. We are authorized to conclude, then, from this and other cases mentioned, that all offences of a similar character, as murder, drunkenness, adultery, blasphemy, idolatry, theft, extortion, etc., all scandalous vices, come under the head of public offences. They are none the less considered public offences though committed secretly and in some instances to the personal injury of individuals, as murder, or personal violence, adultery, etc., because they inflict a general injury upon all who bear the Christian name.

All public sins of this character admit of no private discipline, explanations or reparation or disciplinary proceedings, nor can they be atoned for by any confessions of penitence or reformation made to the Church—he must be promptly excluded.

A *personal* or *individual* offence is one against an individual, and is not equally offensive to all. It may consist of a wrong done to that individual with or without design or malice, as misrepresenting his public or private sayings and doings, questioning his motives or policy, or impeaching his honesty, or the soundness of his doctrines, or his qualifications for any specific office, etc. It will also be clearly borne in mind by you that it does not in the least affect the character of the offence, whether it be given privately, by letter to one individual, or more openly in social circles, or through the public press—it is still only a personal and individual matter.

There can be no doubt that all those offences are of a personal or individual character, if they are of such a nature that a reconciliation by confession to the Church or explanation or reparation between the parties involved would end the difficulty and vindicate the character of the Church and satisfy Christians generally. All such offences must be inflexibly proceeded with by the law of Christ found in Matt. xviii. To disregard this law is to reject the authority of Jesus Christ, and all the acts of a Church not in strict conformity with this law should be resolutely resisted, and are null and void. To sustain the correctness of these positions, I submit to you the concurrent opinions of a large number of distinguished brethren, the most eminent among us for scholarship, theological attainments, and denominational position—not, however, claiming for them infallibility of opinion, nor intimating that our positions should be considered unsound were all their opinions adverse to them.

N. M. Crawford, D.D., President of Mercer University, Georgia.

NO. I.

PENFIELD, October 1, 1858.

DEAR BROTHER GRAVES: Your favor of the 27th ult. is just received.

I have looked with much anxiety at the proceedings in the Nashville Church, so far as I have known them since I passed through your city in June last. If the statement in the Tennessee Baptist of the nature of the charges against you, and the manner in which they are brought, is correct, I have no hesitancy in saying that the law of Christ has not been observed. Brother Howell and myself are kinsmen, and I am his friend; but, in bringing these charges against you, I must say, that the scriptural requisitions have been violated. Brother Howell knows my opinion on the subject, for I expressed it to him last June, in an

interview which he requested with me. Neither do I think that charges ought to be brought which concern third parties—parties not known to the Church. I say this as much for the sake of those parties, may more, than for yours. What right has a Church, to whom I owe no jurisdiction, to investigate and pass upon my conduct? and that without my knowledge or consent? If these third parties are ignorant that these charges which affect them are thus brought, injustice is done *them*, by investigating their conduct in their absence, and without their having opportunity to defend themselves; for the Church will be as much judging them as you. On the other hand, if these parties have given their consent, they are really the parties concerned, and are bound to observe the laws of Christ in regard to offences.

At this distance, and without full information, I could give no advice to either party, if asked; but one thing I must say, Christ's law must govern his Church. No question of expediency must be considered. The moment we quit the *Rock*, we sin. Let who will be offended, we must hold to Christ's law; every Church acting in the name of Christ must act by the law of Christ.

I cannot express to you how much I have mourned over things in Nashville. May God overrule all, and turn the hearts of his children to the things which he approves.

Your brother in Christ,

N. M. CRAWFORD.

NO. II.

PENFIELD, October 5, 1858.

DEAR BROTHER GRAVES: Though reluctant to take any part in the unhappy strife which is distracting our brethren in Nashville, and which threatens to extend more widely, I do not feel at liberty to decline answering your questions.

"Query 1. If A. offends B. in commenting upon his (B.'s) public acts, his speeches, or printed articles, does or does not the 18th of Matthew make it the duty of B. to go to A. and specify his wrong and injuries, and seek reconciliation and reparation of his wrong? Or would it be equally scriptural for B. to employ C. and D. to arraign A. before the Church for gross public offences?"

In my opinion, the law of Christ (Matt. xvii. 15, etc.) requires the offended brother to seek a private interview first, and then, if unsuccessful, to seek a second interview with witnesses. Until these steps are taken, he has no right to bring the matter before the Church, and the Church has no right to entertain the case. The offended party has no right to employ a third person to bring the charge.

When Christ has given a rule, there is no room for discussion of expediency: our duty is simply obedience. But it is easy to see the wisdom of this rule of Christ. The object is to GAIN OUR BROTHER. "If he hear thee, thou hast gained thy brother." Matt. xviii. 15. The failure of the first step in accomplishing this, makes the second necessary, and the failure of that leads to the third. But in all, the object to be sought is not punishment, but correction, that the brother may be gained. Even in the last resort the object is not strife nor victory, but if possible the restoration of love and confidence. With this purpose in view, how much more likely is a private interview to be successful than the impassioned turmoil which is prone to be exhibited in a public contest! And if the public discussion must come, how wise the provision of two or three witnesses by whom every word can be established!

"2. Will you state the distinction between a *private* and a *public* offence, and also to which, if not to both, you think the 18th of Matthew applicable?"

It may be difficult to define the distinction with a precision that will embrace all cases. It does not depend on the publicity or secrecy with which the act is done, but upon the nature of the act itself. The comment upon a brother's "public acts, his speeches, or private articles," may be made in a private conversation, or in a newspaper, but this difference in the medium of communication is not sufficient to characterize the offence as public or private. If the thing complained of produce personal alienation of feeling on account of personal injury, it would seem to be a personal or private injury, whether done in secret or in the presence of a thousand witnesses.

In my opinion, a private interview, etc., is not to be sought in public offences, if a man has been drunk, the offence is against public morals, not against private rights, and he may be dealt with without the intervention of a private interview.

[Matter is omitted here that refers to another question.]

Thus, my dear brother, I have hastily and imperfectly answered your questions. I am well aware that my opinions possess no weight of authority, but as you have asked them, I give them for what they are worth. My heart is sad at the divisions among those whom I regard as "*my people*." May God, in much mercy, heal the wounds of his own cause.

I intended sending a copy of this letter to Brother Howell, but I have been so interrupted that I cannot, as I am on the point of starting to our Association.

Very truly your friend and brother, N. M. CRAWFORD.

NO. III.

Elder J. B. Jeter, D.D., thus writes :

RICHMOND, October 6, 1858.

DEAR BROTHER GRAVES: Your favor of September 29 has been received, and I will promptly reply to your inquiries.

"1. If A. offends B. by commenting upon his public acts, his speeches, or public statements, does or does not the 18th of Matthew make it the duty of B. to go to A. privately, and inform him of his offence given, and expostulate with him, and if he fails in this private way, take brethren, etc.? Or, would it be equally scriptural for B. to employ C. and D. to arraign A. directly before the Church for a gross public offence?"

"2. Will you give me your views of the distinction between a public and a private offence, and if the 18th of Matthew applies to both?"

I deem it better to answer these inquiries together. The direction given (Matt. xviii.) refers, in my opinion, to *personal* offences, whether they be private or public. "If thy brother shall trespass against thee," etc. The rule is not limited to private, but embraces all personal offences in whatever manner given, and in all such offences no appeal should be made to the authority of the Church, until the preparatory steps shall have been taken, as laid down in Matthew.

A *public* as distinguished from a *personal* offence, is one against society, or good morals. If a man gets drunk, or is profane, or commits fornication, he does not trespass against me, but against Christ—against the public—even if the offence should be secret, or known only to a few. In such a case the offender should be dealt with, not according to Matt. xviii., but according to 1 Cor. v., especially ver. 11.

But there are cases, I think, in which an offence may be *both personal and public*. Suppose a man were to seduce and ruin my daughter: he would grievously trespass against me, but his offence would be against the public also. It would be vain for me to deal with him according to the 18th of Matthew. Any reparation which he might offer to me would not meet the end of Church discipline. He should be dealt with as was the incestuous member of the Church at Corinth. And now I am prepared to answer your first query.

The offence given by A. to B. might be of a character so wanton and unchristian as to be not merely a *personal* but a *public* offence—a reproach to the cause of Christ. In this case, a reconciliation between A. and B., though in itself desirable, would fail to answer the ends of Church discipline. The offender should be dealt with according to 1 Cor. v. Should, however, the offence given by A. be of such a nature that a reconciliation between him and B. would end the difficulty and vindicate the character of the Church, then, by all means, B. should pursue the course marked out by Matt. xviii., and the Church should refuse to judge of the case until this course shall have been adopted by B.

I will now answer question three.

"Suppose a brother has conscientious scruples about calling a brother Doctor

of Divinity, (see Matt. xviii. 9.) and should, in writing, omit the appellation, is such an omission a crime for which one should be arraigned before the Church?"

Most certainly not. His using the title might be a sin, and not his omitting to use it. No man can sin in following his "conscientious scruples," if he does not, in doing so, violate stronger "conscientious scruples."

I have answered your questions on what I deemed scriptural principles, without the slightest reference to the difficulty to which they refer, of which, indeed, I know but little, and should have preferred to be silent, but I did not feel at liberty to withhold my opinions on the principles of Church discipline. I have only to request that should you deem it proper to publish my letter, that you publish it entire.

Yours affectionately, J. B. JETER.

P. S.—I have deemed it proper, as Dr. Howell is interested in the opinions advanced in this letter, to forward him a copy of it. J.

D. R. Campbell, LL.D., President of Georgetown College, Ky., writes:

## NO. IV.

GEORGETOWN, Ky., October 7, 1858.

DEAR BROTHER: Your favor came to hand last night. I have marked its contents, and reply:

1. The case under your first question is strictly subject to Matthew xviii. It is simply a personal offence *publicly* committed.

2. A private offence is a *personal* one, however committed. A public offence is not all personal, but may be against the Church, as assailing her character, faith, practices or interest; or against religion and morality, as being guilty of practices which tend to subvert them. As, in such cases, the offence is against no individual as such, the steps enjoined (Matt. xviii.) cannot be taken; the officers or leading men in the Church might, however, in minor cases, seek an interview with the offender previous to his arraignment, with the view of reclaiming him by remonstrance, and preparing the case for Church action. Notorious offences of a highly immoral nature may need only citation and Church action.

3. It is obligatory on no man to address another by the title *Doctor*. He may refrain from it for any reason he chooses. He need not, ought not, to be offensive, however. It would be too absurd to discipline any man for not calling another Doctor, whether he acts from conscientious scruples, or the conviction that the *titled* is without proper qualifications. Yours, etc., D. R. CAMPBELL.

Geo. W. Eaton, D.D., President of Madison University, and senior Professor of the Theological Department.

In justice to President Eaton, I will say that he did not wish to be understood as becoming in any sense a party to the personal difficulties existing between Elder Howell and others and myself, but gives his opinion simply as a theologian:

## NO. V.

MADISON UNIVERSITY, New York, Oct. 28, 1858.

DEAR BROTHER GRAVES:

In regard to your first question I would remark that the "public speeches or printed sentiments or statements" of any man are legitimate subjects for public comment, whether for praise or censure, by any other man; nay, it may be an imperative duty of the conductor of a public journal, whether religious or secular, thus to comment upon such public exhibitions as in his judgment the cause of truth and purity demands. If in doing so he misrepresents or asperses the motives of the author whose productions are animadverted on, or in any other way violates Christian charity towards him, I should say the offended individual or brother, before taking any public steps before the Church, ought to seek a private and personal interview with his offending brother, and state his particular grievance according to the directions in the 18th of Matthew. I thus judge, because the simple matter of criticism and animadversion is not only legitimate and proper, but may be an imperious duty. The *offence* must then be wholly in the

manner and spirit of the critic. These may be very objectionable, and justly offensive to the general sense of justice and charity, but, bearing more directly upon the individual brother criticized, they involve a *personal* rather than a public offence, and should be dealt with accordingly. Besides, few things are more vague and intangible as matters for public prosecution than the *manner and spirit* of a public journalist or writer in commenting upon what he deems hurtful error or of injurious tendency in the public performances of a man or brother of influential character and position, especially in this day of free and untrammelled discussion. The depth and strength of his convictions may impart an earnestness and severity to his comments designed rather for the *sentiments* than the *person* of the author commented on. In this there may be an *appearance* of personal malice when nothing of the kind is *really* cherished. If misrepresentations of sentiments or motives are made, no one is more competent to point them out than the author impugned, and hence I hold he should seek redress or correction first of all by *personal* effort with the offending censor.

In this connection, however, I must say that Christian courtesy and fraternal relations demand that special pains should be taken by personal interviews or otherwise to obtain the precise views and stand-point of the brother whose "public speeches and statements" are to be made subjects for animadversion, so that all misrepresentations and unjust imputations may be avoided and his position be fairly presented. And then, I need not add, the comments should be made in a Christian spirit, purely with a design to expose real or supposed error and vindicate the cause of truth and sound doctrine.

Your fourth question involves considerable difficulty. *Theoretically* it may seem of easy solution. Offences on the part of a brother against common morality, such as violations of the commands and prohibitions of the Decalogue and the explicit precepts of Christ, when clearly made out, are unquestionably, in my view, *public offences*, and are to be dealt with *summarily* by the Church. Here no one more than another is offended. The *scandal* is public, and the whole Church and the cause of Christ is scandalized. I can see no propriety in such cases of the preparatory steps of private labor to the Church's action. We have an example in the case of the incestuous person in the Corinthian Church. All that is demanded in such cases, in order to the application of Church discipline, is that the *facts* should be known and acknowledged. But then in drawing the line between public and private offences there occur often serious *practical* difficulties. There is a hazy region covering *mixed* cases in which it is not very easy to disentangle and separate elements properly belonging to the one division or the other. In all such cases of doubtful identity, in my judgment, the directions of the 18th of Matthew should be followed. A great deal of unnecessary difficulties which distract and rend Churches, I think, would be avoided by such a course. My view in brief, then, is this: There is a clear distinction recognized in the Scriptures between *public* and *private* offences; but from the fact that there is so frequently an intermixture of the elements of each in particular cases, I would have the directions of Matt. xviii, followed in all cases where the public offence is not open and acknowledged.

Fraternally yours,

G. W. EATON.

The following is from Elder Wm. C. Buck, of Selma, Ala., *for a long series of years the editor of the Baptist Banner, published in Louisville, Ky., and author of "Philosophy of Religion,"* etc.

NO. VI.

SELMA, Oct. 6, 1858.

DEAR BROTHER GRAVES: On my return home yesterday evening from the Bethel Association, I found yours of the 29th ult. awaiting my arrival. I cheerfully comply with your request, and do so immediately, lest I should be hindered in so doing by some unforeseen intervention. As your questions do not follow each other consecutively, it will enable me to be more systematic and concise to change their order a little. I therefore quote your second question first.

"Question 2.—What constitutes a private offence, and what a public offence, and is the eighteenth of Matthew applicable to both?"

*Answer.*—The Scriptures know of but two classes of offences subject to Church action. The first refers to direct offences against God, as the *manifest* breach of some divine precept; as drunkenness, theft, falsehood, etc. All that is necessary in such cases, in order to Church action, is adequate proof of the action by the accused party; for if the action is proved upon him, his guilt is determined by the unerring divine precept. The act is sin, because it is a transgression of a divine law, and if the proof of the party's guilt is sufficient to establish the fact upon him, he may be arraigned before the Church without attending to the forms laid down in the 18th of Matthew; though, even in such cases, it would be better if those forms were observed. This class of offences is referred to in 1 Tim. v. 20. The other class of offences is referred to in Matthew xviii. 13, 16, 17, and Luke xvii. 3, 4, and respects that class of offences which such Church-member or brother may perpetrate against another. In such cases it is impossible for a Church to determine which is the guilty party, unless the offender frankly confesses his wrongs, and then the offended is bound to forgive him, and there the matter ends; but if no confession is made, the *offended* party is bound to take one or two more and seek to win his brother, and in doing this he does not only show his Christian spirit, but secures an amount of testimony which goes to establish the guilt of the *offender* before the Church. The *reason* of the rule here given (Matt. xviii.) is: 1st, this class of offences is only committible by one brother or Church-member against another, and does not necessarily involve a breach of any divine precept; but should it involve such a breach, the guilty party cannot be convicted by the testimony of his accuser, because both have an equal right to be heard before the Church, and the testimony of the one counterbalances the testimony of the other; and this is equivalent to no proof before the Church. In the second place, the precept of this rule is specially intended to involve the *spirit* and *temper* of the litigants. If the offended party adopts this rule of action toward his brother, he evinces not only a spirit of submissive respect to the law of the Lord, but an unoffended spirit of brotherly kindness to the one who has injured him, and every Church would reason from such a procedure the innocence of such a brother. But if he will not submit to the Lord's commandment, but proceeds, in contempt of this rule, to drag his brother to the bar of the Church upon his own testimony, the proof is *prima facie* that he is actuated by a spirit of malice and revenge, and not by a desire to honor God or to maintain the right; and the Church has good grounds to reason that such a prosecutor is in the wrong, that he is at any rate actuated by a wrong spirit, and is accountable to the Church, both for a *breach of the divine precept*, and for a *malicious* prosecution against his brother. In the third place, the reason of the rule assumes that no other person or persons can prosecute for an offence of this class, but the offended party himself, and because he cannot be prosecutor and witness too, he can maintain no charge against his brother before the Church until, pursuant to the rule here laid down, (Matt. xviii.,) he has provided himself with one or two more witnesses.

Should a Church allow one member to prefer charges of this class against another brother, in open violation of the Lord's law, she not only makes herself a partaker of his evil deed, but evinces to all that she is influenced by revengeful feelings—is partisan in her feelings and motives, and unworthy of the respect and confidence of her sister Churches. Such a body would prove itself a *faction*, and not a Church of the New Testament. The terms "public offence" and "private offence" are conventional and not scriptural terms, and in their use many are led into error. I know that the term "private offence" is generally understood to refer to that class of offences defined in the 18th of Matthew, but as these offences sometimes become public, or may be perpetrated in public, the offended party understands them to be "public offences," and proceeds accordingly; but whether the offence is public or private, if it be an offence against a brother, and is not a manifest breach of some moral precept, it must be treated according to the rules laid down in the 18th of Matthew. So, also, the term "public offence" is understood to refer to manifest breaches of the moral code, and yet these offences are often perpetrated in the most private manner. The Scriptures call this class of offences sin, because they are manifest breaches of the moral code,

and allow them to be proceeded against in a summary way, if there be sufficient proof of the guilt of the party; but all offences of one brother against another, and which are not manifestly breaches of the moral code, are to be proceeded in according to the rule laid down in the 18th of Matthew, or otherwise no Church can legally entertain such a charge.

“*Question 1st.*—‘Should A. offend B. by commenting in the public papers upon B.’s sentiments expressed in his public speeches or printed articles, does or does not the 18th of Matthew make it B.’s duty to go to A. privately and specify his wrongs, fancied or real, and expostulate with A. and seek reparation, or would B. be justifiable by the word of God in prosecuting A. through a third party for high misdemeanor?’”

In the above remarks I have given it as my opinion that no offence against a brother can be legally brought before a Church until the rule laid down in the 18th of Matthew has been complied with, and I regard the actions referred to in this question as decidedly of this character. I have also given it as my opinion that, pursuant to the law of the Lord, no brother can prosecute another for a personal offence through a third party—the offended person only can prosecute. He may have *counsel*, but he only can *prosecute* in such a case. In the case of a personal offence, it is not determinable which of the parties is guilty of “high misdemeanor,” until by the rule in Matthew xviii. the fact is developed; hence it would be illegal in any Church to entertain such a charge against a brother, whether preferred by the *first* or a *third party*.

“*Question 3.*—‘Can a brother be scripturally arraigned before the Church for refusing to address a brother as Doctor of Divinity, if he candidly thinks the man is not entitled to such a factitious eminence over his brethren?’”

I cannot conceive it possible that the omission of D.D. or any other worldly distinction or title could give offence to a brother; but I certainly should not consider the omission *a sin*, with or without any conscientiousness in the case either against a brother or the law of the Lord. I should think it quite as reasonable and as scriptural for a Judge, a Captain, or a Squire to prosecute a brother for the omission of his title, as for a D.D. to do it. Surely no man worthy of such a literary distinction could so belittle himself as to take offence at such an omission, much less to prosecute a brother for it; and certainly no Church of Christ would entertain for a moment a charge against a brother founded upon such a plea.

“*Question 4.*—‘If he is conscientiously of the opinion that he ought not to call any man Doctor, etc., (see Matt. xxiii. 9,) and refuses to do it, is he accountable to the Church for the omission?’”

I reply, CERTAINLY NOT.

Though I have written this article in haste, it expresses my deliberate opinions upon the points submitted; and in my editorials, in the old ‘Baptist Banner,’ similar answers will be found to similar questions. I have nothing to conceal upon these subjects, and if you wish it, or think it will do good, you are at liberty to publish this document in the Tennessee Baptist.

Affectionately, etc., WM. C. BUCK.”

The following is my correspondence with Elder J. S. Baker, of Jacksonville, Florida, for years editor of the Georgia Index and Periodical Library, and his answer:

NO. VII.

NASHVILLE, Sept. 29, 1858.

DEAR BROTHER BAKER:

Having almost implicit confidence in your opinion touching all matters pertaining to points of Church discipline, I write to request your opinion upon the following cases, of great importance to me:

1. If A. offends B. by commenting upon his (B.’s) public speeches or public views, in the public prints, does or does not the 18th of Matthew make it B.’s duty to go privately to A. and state his grievances and expostulate with him, and thus seek an understanding and reparation? or would B. be justifiable in employing C. and

D. to prosecute A. for a gross offence before the Church, B. refusing *any interview* or proper basis of settlement?

2. What constitutes a personal and what a public offence, and to which if not to both is Matt. xviii. applicable?

3. Suppose a brother refuses to call a brother D.D. because he candidly thinks he is not entitled to the distinction, is the omission an arraignable crime?

4. Suppose a brother has conscientious scruples about calling any man D.D. (see Matt. xxiii. 9.) and refuses to call or to write his pastor D.D., is he therefore justly chargeable before the Church by this pastor, when such scruples are known to the pastor?

Trifling as these questions may seem to you, they are highly important to the welfare of the Church in this city. I have written to some score of the principal scholars and Baptists in the Union for their opinions to be used in the trial pending.

If the Church can be brought to reconsider and require the parties to take the scriptural steps, its integrity may possibly be saved, otherwise not.

Write at your earliest convenience. Yours truly, J. R. GRAVES.

Elder J. S. Baker's answer to the above queries :

NO. VIII.

1. Were the supposed case of "B." *mine*, I would not feel justifiable in taking any steps to arraign "A." before a Church before I had a private interview with him, or had addressed him a private letter stating wherein I felt myself aggrieved, and requesting respectfully a satisfactory explanation or retraction of what I considered offensive.

2. A personal offence is one committed against *an individual*, a public offence one committed against *the cause of Christ*, such a violation as is injurious alike to *all true disciples*. My views on "Personal Differences" and "Public Offences" are given at some length in "Periodical Library," No. 4, 1847. The article on "Personal Differences" was copied into several Baptist papers, North and South, and reproduced in the "S. W. Baptist" as late as 1854 or 1855. I will add, on a separate piece of paper, the "closing remarks" with which the article ended. Matt. xviii. refers only to *personal difficulties*.

3. No. JOSEPH S. BAKER.  
JACKSONVILLE, Fla., Oct. 5, 1858.

Elder Baker gives his opinion as follows :

NO. IX.

"If thy brother shall trespass against thee." The supposed case, in this instance, is one of an actual trespass, committed by one brother on the rights of another. Observe that these words limit the application of the rule given to cases of *personal* differences, between individual members of the body of Christ; but, at the same time, extend it to every *kind* of trespass that one may commit against another. The wrong done may have been committed wilfully, or may have been committed inadvertently; it may have been of a very flagrant character, or it may have been attended with many palliating circumstances. If it be sufficient to abate the ardor of our affection for the brother, or in the slightest degree to impair our confidence in him, we ought, by observing the rule prescribed, to place it in his power to restore himself to that place in our affections and confidence which he occupied before the commission of the offence. On the other hand, no aggravation of the offence on the part of the offender can exonerate us from our obligation to obey the express instructions of our Saviour. It is frequently the case in serious difficulties between brethren, that the aggrieved individual, when reminded of this rule, and urged to observe it, inquires, "What is the use?" or responds, "It will do no good. He knew that he was doing wrong—I know the character of the man, and know that he will refuse to make reparation." It is an old adage, that two wrongs cannot make one wrong right. His having sinned against you is no sufficient reason why you should sin against your Saviour, by refusing obedience to his injunctions. Do your duty, and leave the

result in the hand of God. He often corrects the most incorrigible. If the offender prove obstinate, his very obstinacy may lead him to reflect upon the impropriety of his conduct, and be the means of his conviction. If he fail to repair the injury he has done, God will not fail to make you amends. Whether he repent or not, you will be rewarded with the smiles of an approving God, and the possession of what will be worth more to you than all the world—a quiet conscience.

But there is another view of the subject which you should take. If the offender has offered you a wanton injury, he has, through you, inflicted a wound upon the Church; for if “one member suffer, all the members suffer with it.” 1 Cor. xii. 26. And if he possess the incorrigible character ascribed to him, the sooner he is out of the Church, the better it will be for the cause of Christ and the cause of humanity. As long as he continues in it he will prove but a “root of bitterness,” and a cause of reproach; a hindrance instead of a help to her advancement. You therefore owe it to your God, to the Church, and the world yet to be evangelized, to adopt those measures which are necessary to precede the introduction of the case in a proper way before the Church. If you bring it into the Church before you have pursued the course directed in the rule before us, you give the offender an advantage over you, of which, if he be an evil-minded man, he will not fail to avail himself; for you do, by that act, manifest a contempt of divine authority, and place yourself by his side, in the seat of the criminal. When one, in manifest violation of this law of Christ, complains to you of the injuries done him by another, beware of him, and believe but little of what he tells you of his adversary; for he who scruples not to act falsely toward his Saviour, will rarely scruple falsely to accuse his brother, if he may thereby justify himself in the eyes of others, or palliate his own offences. We are always more or less suspicious of one who is disposed to vent in our ears long and doleful accounts of the injuries he has received from others. In a large majority of instances, those will be found to complain most frequently of trespasses who are most frequently guilty of trespassing on the rights and feelings of others. Such manifest far more reverence for the demands of self-interest than for those of truth, justice, or mercy. Self is the god whom they adore, and at whose shrine they hesitate not to sacrifice all whose will or interest succumbs not to their own. They demand of others what they are unwilling to treat others.

“If he has heard thee, thou hast gained thy brother.” Our attention is here directed to the end which we should have in view. That end is the recovery of a brother from the error of his ways, and not the gratification of a spirit of revenge, or the ministering to our pride, by triumphing over the infirmities of another. Let this end be kept in view, and the means of effecting it will rarely be wanting. We will feel the importance of avoiding every thing that savors of a disposition to upbraid or censure. Let it be remembered, that “as in water face answereth to face, so the heart of man to man.” Prov. xxvii. 19. Whatever, therefore, in another would prove repulsive to us, will, in us, prove repulsive to others; and, on the contrary, whatever would be most likely to conciliate our affections, will be most likely to conciliate the affections of others. We should manifest, by our actions, words, and even by the expression of our countenance, that we are more grieved that our brother should do wrong, than that we should suffer wrong. A look or a tear has often effected that which all the terrors of the law, backed by the eloquent declamations of the orator, could not effect. It was a look that touched the heart of Peter and wrought repentance in his soul. To gain a brother by the manifestation of a meek, gentle, and condescending spirit, would be a far greater triumph than to extort from him, by the force of law, a reluctant reparation for the wrong he has done us.

“If he will not hear thee.”—What then? Abandon the cause as hopeless? No. Arraign him before the Church? No; but make another effort. Go to him again. “Now take with thee one or two more.” But be judicious in your selection. Select such as are discreet, preëminent for their piety, and least likely to be suspected as partisans in the affair. Proceed, as before, to lay the matter before him coolly, respectfully, and affectionately. Manifest every disposition to settle the difference amicably.

The object of taking "one or two more" is two-fold. First, that they may exert their influence in endeavoring to adjust the difficulty. That this is one of the reasons for the rule is obvious from the next verse—"if he refuse to hear them," etc. They must speak before they can be heard. They are, therefore, to counsel, advise, and admonish. It is often the case that an offender will listen to an admonition coming from a disinterested party which would be rejected if offered by the individual aggrieved. But a second reason for this direction is, that if the offender continue incorrigible, they may serve as witnesses in the case, when brought before the Church.

*Closing remarks* 1.

The rule upon which we have commented is designed for the regulation of the conduct of individuals, and is a rule by which the Church should require her members to walk. If any fail to observe it, their conduct should not be suffered to escape the notice of the Church.

2. It is a manifest perversion of the rule to apply it to cases of public offences; that is, to offences committed against the common cause of Christ. To extend a rule beyond the limits assigned it in the word of God, is to establish a dangerous precedent, and to recognize as correct, principles upon which Pedobaptism and Popery have reared their fabric.

3. The rule is given for the direction of the person aggrieved or injured. The neglect of it cannot therefore be justified upon the common plea, "I have not injured him—he has injured me, and therefore it is his place to come to me." The rule for the offender is distinct from that here given for the offended. In a subsequent part of this volume, we shall notice what is taught of offenders, and the course to be pursued in cases of public offence.

4. It will be difficult for one whose heart has not been properly subdued by divine grace to submit to this rule; but to one full of the spirit of Christ submission will prove easy. Such will ever realize the truth of the Saviour's declaration: "For my yoke is easy, and my burden is light." Matt. xi. 30. Hence if we feel a disposition to refuse obedience to this, or any other rule of Christ's kingdom, we have sufficient reason to conclude that our hearts are not right before God.

The above is copied verbatim this 5th of October, 1858, from a bound volume now lying open before me. I have seen no cause since the article was written to change my view of the subject.

The Bethesda Church, Green County, Ga., to which Jesse Mercer preached for thirty years, turned out a young brother Tuggles, in 1855, for refusing to act in accordance with the rule in Matthew xviii. 14, 17, in a difficulty he had with a brother in a neighboring sister Church. Absalom Jones, who for ten years served gratuitously as Treasurer of the Georgia Baptist Convention, and also of Mercer University, was then a prominent *deacon* in the Church. I served it at the time as pastor.

JOS. S. BAKER.

S. Wait, D.D., Wakeforest, North Carolina, one of the presbytery that ordained Elder Howell, thus writes:

NO. X.

MY DEAR BROTHER GRAVES: Your favor of Sept. 29 came to hand in my absence. But for this circumstance, you would have heard from me in due time.

To the communications of Elders N. M. Crawford, J. B. Jeter, Wm. C. Buck, D. R. Campbell, and Jos. S. Baker, I have paid a careful attention. These communications, I find, are answers to questions similar to those you did me the honor to address to myself. It is not, probably, necessary that I repeat them. In regard to the answers given by the brethren mentioned above, I will simply say, that THEY HAVE MY UNQUALIFIED APPROBATION. The 18th of Matthew, in my opinion, has exclusive reference to *personal offences*, private or not private. I regard all the charges brought against you at your trial as strictly personal offences. And I was greatly pleased to find the brethren whom you consulted so clear in their answers touching the main points embraced in your questions, viz.: that the offended must *himself* lay his grievance before the offender alone, and that

before he has mentioned the case to any other person; that if he fail to obtain satisfaction, he must take the *second step*; and that, should he fail in this also, he must report the case to the Church; and that, should the Church allow the case to be introduced and acted upon without the previous steps having been taken, she would prove herself a *faction*, and no gospel Church at all. In proof of this, it is enough to say, that the 18th of Matthew contains the *law of our Lord, and it must be obeyed*. It is sometimes the case that a train of circumstances makes it difficult to say whether a given offence ought to be considered a public, or simply a personal or private one. It seems to me that, for all practical purposes, this view of the case is sufficiently accurate. *A personal offence is one that can be settled, according to the Scriptures, by the parties alone; but a public offence, such as drunkenness, theft, etc., must come before the Church.* All must see that no amount of penitence from the upbraidings of conscience, or from private Christian admonitions, could possibly save a drunkard or a thief from the discipline of the Church.

In regard to *titles*, I fully endorse the sentiments of Brother Campbell, "That it would be too absurd to discipline any man for not calling another Doctor, whether he acts from conscientious scruples, or a conviction that the title is without proper qualifications."

It is due to you, my brother, that I send you this, although at so late a period. Use it at your own discretion.

Praying that it may please the Lord to bless all his people in Nashville, I am,  
as ever, Your friend and brother, S. WAIT.

WAKEFOREST COLLEGE, NOV. 29, 1858.

The following is from Judge Lott Warren, Albany, Ga. The opinions of such brethren as Judges Stocks and Warren, and Dr. J. W. Lewis, of Georgia, are deserving of the highest consideration :

NO. XI.

MY DEAR BROTHER GRAVES: Under date of 23d inst. I wrote to you to let you know the reason I had not answered yours of the 29th Sept., it being missent, and received that day, and after the First Church at Nashville had, as I supposed, taken action on your case. I wrote before I read all your letter, because I had to leave for the sitting of Court at this place. The several questions propounded to me were with a view to obtain my opinion of the points suggested in *Dr. Howell's* charges against you, and whether the charges involved public offences, and might be acted upon by the Church without previous private labor, or whether they involved private offences, or, in the language of Christ, they involved trespasses against *Dr. Howell*, (I am not scared at the title D.D., as it is a mere title to literary distinction or honor,) and which made it the duty of *Dr. Howell*, if he had any regard to the instructions of the Saviour, or veneration for its author, to go to you and tell you of your fault, between him and you alone. If you had refused to hear him, or to admit the fault and make amends as a Christian man, then to have taken two or three witnesses with him, etc., according to the instructions of Christ in the 18th of Matthew. I cannot believe that there can be two opinions on the subject of these charges read against you by *Mr. Fuller*, being such as required the application of the laws of Christ as expressed in the 18th of Matthew, among intelligent Christians who seek to know and do the will of their Lord. *Dr. Howell* and his aiders and abettors may refuse to have *Brother Dayton* to pervey theology for his children, but if the Doctor will study the first four lessons in *Brother Dayton's* Sunday-School Question Book, and understand the difference between positive and moral laws, he will not again commit such an error, unless the maxim of the heathen gods applies to him, that "those whom the gods intend to destroy, are first made mad." I read with pain, and yet with some satisfaction, the charges and references: with pain, because I saw in them, and the manner of bringing them forward, a fixed purpose to ruin and destroy your character, your standing, irrespective of right, truth, and principle. This was manifest by *Dr. Howell's* answer to an inquiry made by a member, whether the direction in the 18th of Matthew had been pursued, that he was not there to be inter-

rogated. How dominant!!! But I derived some pleasure, notwithstanding the purpose of wrong to you intimated by the charges and prosecution, in the barrenness of the charges. Much has been said among your enemies about your bad standing in Nashville. The First Church has been arrogantly called on to deal with you by those from abroad, who had wantonly assailed you, and in reply received but their portion in season. The charge is a grave one, "Grossly immoral and unchristian conduct," and this in four distinct cases!!! What a charge! And yet how puerile the specifications! I sympathize with you and Brother Dayton, but much more with our injured Baptist Zion. We must look to the Lord of hosts for help, remembering that it is not by might or power, but by the Spirit of the Lord and his precious gospel, that we must be upheld, or we fall. You ask me to see Brother Mallory and ask him to write you his opinion, and which I will do, probably, and which I would certainly have done if your letter had been received in time for him to have written for your consideration before you were called on to act. But my dear brother, I was not unmindful of the interests of Christ's kingdom, and in a few days after I first read the charges against you, I saw Brother Mallory, and earnestly urged him, if he thought he had any influence with Dr. Howell, to write to him and endeavor to save the interests of Christianity from the consequences which I apprehended, and in earnest tones denounced the proceeding and its instigators. I endeavored to convince him that it was their purpose, irrespective of right, to destroy you, and assured him of my belief that the Baptist Churches and the Concord Association would never sustain or countenance such action, but would, in a becoming manner, condemn it. He could not otherwise than have discovered that I felt much, and perhaps expressed too much of my belief and feelings, and replied in substance that he did not know that he could have influence with Dr. Howell, and that he did not know enough of the controversy to be able to advise, even if he knew it would be acceptable. We now see, my dear brother, that as Baptist Christians the crisis is upon us. Your enemies, however many and bitter in their hatred, must see and know that the proceeding is a rebellion against Christ, and a defiance of his laws. And all sober and right-minded Christians will admit, that if there was a doubt whether the charges involved public immorality or a private grievance, that prudence and a Christian spirit would say, "Go and tell him of his fault; if he is convinced, repents, and confesses, then he is reclaimed from his wickedness." This is the duty of Church-members, and the purpose of Christ in establishing his Church, and giving laws for its government, to reclaim erring Christians—not to ruin and destroy them.

I have not the Southern Baptist Register, and cannot tell my friends and brethren what slanders or libels are committed upon Dr. Howell in it, and must ask you to send one to me at Albany, and with as little delay as possible, as we may have it next Sabbath week at the meeting of the Bethel Association. At Albany you will have warm friends and decided opponents. May the Lord keep us in peace.

Yours in the love of Christ,

LOTT WARREN.

BAINBRIDGE, Ga., October 24, 1858.

### The Ruling of Judge Stocks, of Georgia :

NO. XII.

OAK HILL, Ga., Oct. 16, 1858.

DEAR BROTHER DAYTON: Your communication was not received until yesterday: I proceed to answer your inquiries at once.

You first inquire: "Is it the custom of Baptist Churches to recognize a distinction between public and private offences against a brother in regard to one class—the requisitions of the 18th of Matthew—and not in the other?"

I answer, in cases of discipline, the requisitions against an offending brother, in all cases, the rule laid down in the 18th of Matthew is to be strictly observed.

Your second question is: If A. offends B. by remarks which he may make in a book or article published, or a speech made publicly by B., is it the duty of B. to go to A., according to the 18th of Matthew, or may he send others, C. and D., to bring charges before the Church?

I answer, fellowship is a personal matter, and none but B. has any authority to attempt to bring it before the Church, and that after gospel steps are taken, I cannot imagine any Church would sustain charges by any other than the aggrieved brother.

Your third inquiry is: If C. and D., in such a case, should bring charges without having attempted a private reconciliation, could the Church sustain such charges?

I answer, according to Baptist usages, they could not.

I have gone through your questions, except the postscript, agreeably to Baptist usages, and that I consider fully answered in my answer to your second question.

In haste yours in Christian bonds, THOMAS STOCKS.

Dr. J. W. Lewis thus comments on the charges preferred :

NO. XIII.

**BROTHER GRAVES:** I feel a weight taken from my mind, from reading this evening the proceedings of the First Baptist Church of Nashville, as contained in the Tennessee Baptist of 23d inst.

I would not *imagine* of what the charge against you, "gross immorality," might consist. It *might* consist of the violation of the decalogue in part, or in whole; but incidentally finding out (for there was no *specification*) that the immorality consisted in publications running back through a series of years, the "immoralities" became very indefinite, and very much *diluted*. If this number of the Tennessee Baptist contains (as I doubt not it does) a true statement of the proceedings of the Church, I think you have taken the proper course, because in perfect accordance with the teachings of the New Testament. "If thy brother trespass against thee, go to *him*," is right hard to get around, try who will, a D.D. or no D.D. The truth is, it is a great test of one's Christianity—it takes a Christian to do it: *in truth*, the one "offended" has it to do—that's the rub—contrary to the spirit of the world and the teachings of the world; and in *no case* should a Church take action in a case without its strict observance. If it should, the Church must *go back*, or *go out*, that's the long and short of it.

As to the doctrine that a majority is to govern in all cases, it's a simple absurdity; minorities have rights, constitutional rights, of which *they* are to be (in the last resort) the *judges*. The Bible is the Christian's constitution; and when its provisions are set at naught, he must take such a course as the exigencies of the case demands, and *time* will set all right. The only danger I can see for you is, that you may become chafed and fretted, and say some hard things; I trust you may have grace to avoid this. As the case now stands, the majority are wrong, evidently, be it with the minority as it may: be patient, wait.

Very truly yours, JOHN W. LEWIS.

CARTERSVILLE, Ga., Oct. 26, 1858.

Elder Iverson L. Brooks, South Carolina, thus replies to my query :

NO. XIV.

You say: "P. S. You have seen the result of Elder Howell's movements in this city. I would like to see your views touching the constitutionality of our action in the minority."

In giving my answer, I must not be recognized as a partisan in your late Nashville troubles, but as simply expressing my views of Church discipline administered upon the plan of the New Testament. I have to say that it is my opinion that orthodox Baptists must recognize the New Testament as containing the constitution and laws by which our Churches are to be governed. The law laid down by Christ for the adjustment of all private grievances (by which is meant cases where an individual member has his feelings wounded by the conduct of another member) is found in Matt. xviii. 15-18. The law for the discipline of public offenders, by which is meant those Church-members who offend against public morals and whose guilt is publicly known, is found in 1 Cor. v. 1, 4, 5, 13.

Where the evidence in the case may not be decisive, a committee may be appointed to cite the party to appear and defend himself; but if the proof is conclusive, the Church may proceed summarily to exclude the offender.

If I were asked whether words offensive to an individual, spoken in debate or published from the press, are not to be ranked with public offences and to be dealt with by a Church according to the rule in 1 Cor. v.? I would answer, No. For the reason that none is to know that such words are offensive to any individual till he himself so declares. But the law in Matt. xviii. requires such an aggrieved party to make known his grievance, first to the offender alone—to let none others know it until the adjustment between those two has been attempted and failed. Then he is to make it known to one or two others, by the aid of whose labors the offender is to be saved from his error. If they fail to effect the adjustment, the case may be reported to the Church for its investigation. This being the plain law of the New Testament, any Church procedure without its observance must be unconstitutional and void.

If, therefore, in any one of Christ's Churches throughout this dispensation the great enemy of souls should sow the seeds of discord, and a dominant party, as a majority, overreach the laws of the New Testament in attempting to place the minority under the ban of ecclesiastical reprobation, that minority has the right to protest against the procedure; and if the dominant party persist, the minority has the further right to declare the majority in disorder and to assert themselves to be the constitutional Church, as abiding in the laws of the New Testament. Furthermore, the brotherhood of orthodox Baptist Churches, by their representatives or in their respective individual independence, have the prerogative to judge whether any protesting minority or individual has the law of Christ as the rule of action, and, if found maintaining the great principles of the New Testament, have the right to recognize such minority as the constitutional Church, and entitled to their fellowship. Nor do I see that this right of minorities in Baptist Churches can be chargeable with destroying the true independency of the Churches. For it must be obvious that Christ never intended his Churches to possess an independence which would empower them to trample upon the rights of individuals or do any injustice to its law-abiding members. But were not the principle above stated the plan of true gospel discipline, then might a Baptist Church in name prove tyrannical as the Inquisition of Rome, and it might be possible for the most pure and useful gospel minister to be unjustly crushed, and his usefulness for ever destroyed.

I know my opinion is humble, and will be taken for only what it is worth. Having given it as requested, it is at your disposal.

Yours in the gospel of Christ,

IVERSON L. BROOKS.

The character of public and personal offences, and the distinction between them, having been thus clearly set before you, as well as the laws of Christ governing them, you are prepared to answer one of the questions upon which hangs the determination of my guilt or innocence in resisting the proposed trial:

Were the offences charged of a personal or individual character, or were they unquestionably public offences, as incest, fornication, theft, or drunkenness, and such scandalous vices, equally dishonoring to all Christians?

1. I call your attention in the first place to the charges themselves. The essence of the first charge is, that I have sought to bring reproach and injury upon R. B. C. Howell, and thus to destroy his character and influence in the South-west, by forcing him (Howell) into collision with A. C. Dayton, by sundry publications in my paper.

Is it not expressed upon the face of this charge that the matter complained of is purely personal to Elder Howell? that his and no one else's

personal influence was made to suffer by comments I felt in conscience bound to make upon his public sayings and doings?

Will not everybody decide, if there had been a meeting between Elders Howell, Dayton, and myself, and our affairs amicably and honorably adjusted between us, that Christians generally would have been perfectly satisfied and gratified also? I know of but two men on the earth who would have been dissatisfied, and those men are Dr. W. P. Jones and C. A. Fuller. But Elder Jeter decides that to be a personal offence which can be so settled, and the character of the Church vindicated.

I add here that the charge itself involves an *absurdity*. It is impossible for me to force Elder Howell or any other man into collision with A. C. Dayton! If I should misrepresent the conduct of Elder Howell towards Elder Dayton, the bad impression could be removed at once by a simple explanation from Elder Howell, or should he see Elder Dayton, and explain to him. I affirm that I am charged with an impossible offence.

2. Look at the second charge. I am charged with endeavoring to force into conflict Elder R. B. C. Howell and four of his deacons and other influential members, by inflammatory articles published in my paper, and thus to distract and divide the Church!

How was it possible for me *alone* to produce this conflict? If Elder Howell had said nothing respecting these men, as these men had said and done nothing against him, could I possibly have produced a conflict between *them* by a thousand articles, and that too when Elder Howell was in constant, daily intercourse with them? It is simply preposterous! I then must have misstated something that Elder Howell had said of them, which Elder Howell cannot in truth affirm. It is for you to decide had Elder Howell and myself and those deacons explained all matters of offence or misunderstanding between us, and extended to each full reparations for all wrongs claimed, and so amicably and honorably settled all, whether there would have been any necessity, in order to vindicate the character of the Church or to secure its unabated fellowship with the Churches composing the Concord Association, for the expulsion of any one of the parties from the First Church, *even though that party should have confessed himself the cause of the misunderstanding that tended to divide the Church*. If not, then the offence charged was purely of a personal character.

3. Examine the third charge. What is complained of but that I have uttered and published sundry things not palatable to Elder Howell?—comments upon the spirit and influence of his public sayings and doings, which he is pleased to call atrocious libels.

Think for one moment: should the expression of disapprobation by the press of the public speeches or published sentiments of a Doctor of Divinity be pronounced by Baptist Churches to be foul and atrocious libels, public offences, whose only penalty is expulsion, would not Baptist editors be shut up to the alternative to praise and commend such dignities, if they say any thing about them, or be expelled from the Church? The editors of Paris have the alternative before them to praise the usurper of their rights or be incarcerated or expelled from the realm, but I have yet

to know that Baptist editors are like circumstanced. Will the Baptist press of America accept this law at the hands of Elder Howell, and his party, and with him pronounce all animadversions and censures of the public sayings and doings of ecclesiastical dignitaries foul and atrocious libels—heinous offences, like blasphemy against the Christian name? *Some* titled names may and doubtless will sustain Elder Howell in this position; but should all the world, by God's grace one heart would never yield, and one knee would never bend to such a thralldom. As a man and a public Christian journalist, I feel it my right and my duty to censure, and to censure as severely as my judgment dictates, the wrong doings and the wrong sayings of public men, and to correct the influence of their acts or expressed opinions, if I conscientiously regard them of pernicious tendency; and the higher and more influential or consequential the offender, the more severely should he be chided for his wrong, and the more resolutely resisted.

4. The last charge is too manifestly personal to justify a comment. Not a few editors belonging to our Church very severely animadverted upon and severely censured the public acts and character, and resolutely denied the qualifications of Polk and Tyler for Presidency and Vice Presidency of this nation. What would the American people have said had those men instituted suits in our civil courts against every editor that opposed them, for foul and atrocious libel, or for slander or abuse of their character? Elder Howell and his assistant prosecutors, and sundry Doctors of Divinity mentioned, have the honor of setting this example before the American people! and to all the honors and emoluments of the act he and they are welcome. Though not another word be said to convince any impartial mind that the charges were of a personal character, affecting the parties complaining, Elder Howell, Tustin, and Duncan, and others, yet allow me to notice sundry other unquestionable proof from the party prosecuting:

Second Proof. I therefore call your attention to the note of the 3d of April:

STRICTLY PRIVATE.

SATURDAY NIGHT, 11 o'clock, April 3d, 1858.

REV. J. R. GRAVES:

SIR:—I have just been informed that you took the occasion of my absence to-night to take a prominent part in the prayer-meeting. This you must have known was unpleasant and displeasing to most of the members present, on account of the course you have pursued toward me, their pastor. I hope you will not repeat it until you shall retract the charges [you have set forth] against me, as publicly as they have been made. I am pained to feel under the necessity of writing such a note as this, to one who is a member of the Church of which I am pastor; but duty compels me.

Yours,

R. B. C. HOWELL.

Does not Elder Howell here virtually declare that his displeasure and the displeasure of sundry members towards me, was *solely* owing to the course I had pursued toward himself—their pastor, and that if I would retract the charges against *him* (Elder Howell) as publicly as they had been made, that his and their feelings would be reconciled? The language of the note will admit of no other construction.

I wish you to notice the language Elder Howell has interpolated in his note since it was published by me, which materially changes its face, and stultifies a portion of the reply I returned!

Third Proof. I present his note to me bearing date July 19, 1858:

NASHVILLE, July 19, 1858.

REV. J. R. GRAVES:

SIR:—Conceiving it improper longer to permit your personal newspaper assaults upon me, and other serious offences, to pass unnoticed; and sincerely desirous to avoid the necessity of bringing them for its action before the Church, I make this essay to terminate the affair by private adjustment. I have to say that brethren C. K. Winston and C. A. Fuller will receive and act upon any communication which, through two brethren appointed by you for that purpose, you may think proper to make. Respectfully, etc.,

R. B. C. HOWELL.

Does not Elder Howell in this expressly denominate my crimes "*personal newspaper assaults upon me and other serious offences?*" Does he not say that he wished "*to avoid the necessity of bringing them for its action before the Church?*" which if they had been public offences, one or all, he could not have avoided the necessity of bringing them before the Church, nor the Church have avoided the necessity of expelling me forthwith upon information of the fact without trial.

Does he not say that on the nineteenth of July he makes this essay to terminate the affair by private adjustment? thus again admitting it to be a personal affair—since no public offence admitted of private adjustment? Can any thing be more clearly proved—demonstrated—by his own repeated declarations?

Mark again that which, for the honor of a common Christianity and the ministerial character, I would were it possible let pass unexpressed—the interpolation of three words that change the character and teaching of the whole note. The necessity of those words in the face of this note, as in the face of the last, was not seen and felt by Elder Howell before the night of 12th October, when I proved to the assembly present that Elder Howell had admitted in this very note that the grievances complained of, that unless settled would involve a Church trial, were of a personal and not of a public character. Those words have been since that night interpolated, and now published so as to convict me of claiming what was not true. The multitudes that read the note as set forth in his speech will not once think but those words were in the original note to me! for not one in ten thousand know the conventional distinction between brackets and hooks, nor can they learn it from Webster! I say again, Elder Howell saw clearly on the night of the 12th that, according to the ruling of Elder Jeter, (see letter,) the language of his note above recognized the *personal* character of the supposed offences, and it was absolutely necessary, Brother Jeter being judge, for the rule in Matthew xviii. to be observed. Seeing this, what did he do? Hear it all—what did he do? He deliberately inserted in the copy of the note retained by him the words, "*as to myself*"—and these words now go forth to the world in that note as published! Why were the words, "*as to myself*," foisted into the note? Because by them Elder Howell expected to make an impression on the public that he could not make without interpolating. He did, as every one can see, *entirely change the meaning of his note*. I presume Dr. Winston, the Moderator of the "trial," did not, at the General Association, know that his pastor had intended to commit such an act; for the Doctor expressed the opinion that if Elder Howell and myself had

had a personal interview, the difficulty would have been adjusted and not brought into the Church; and yet, as one of Elder Howell's committee, he refused to decide that we might and should have a private interview—that too when, had Doctor Winston decided for the interview, the interview must have been held—for C. A. Fuller would then have been alone in opposing it! We say these words were foisted into the note to answer a purpose, an after-thought to sustain the new ground taken, "that the offences were public and not personal!" And the man who did this charges me with being "*reckless*," and some of his satellites charge me with deliberate falsehood! and even lying! What is lying? It is, according to Mrs. Opie, making a false impression with an intention to deceive. Did not Elder Howell, in your judgment, make a false impression by putting in the words "as to myself," and did he not intend to deceive? Does he not now wish everybody to believe that if he had settled his matters of complaint with me, it would not have prevented my arraignment before the Church? Most certainly he does. This was the view he presented the 12th of October, after I had read Elder Jeter's letter. But does not his note indicate that he made what he calls an essay to terminate the affair by private adjustment, with the view of keeping it out of the Church? If this was not his object, then he must have adopted the principle of Talleyrand, viz.: that language was given to man to enable him to conceal his thoughts.

But this note magnifies in importance as you examine it in its double face.

Let us take the present view of Mr. Howell, and consider the interpolated edition of his note. Suppose, then, (if the thing can find a place in the wide and wild realms of conjecture,) that Elder Howell in his attempted private adjustment still had in contemplation my trial by the Church, then I say it is difficult for me to conceive a more unchristian, a more dishonorable or jesuitical plot to ruin a brother. According to his plan of adjustment, I was to retract every thing I had published offensive to him. This was to settle the matter between him and me. But behold, in pursuance of the plot, the settlement being made between us, Messrs. Darden and Fuller, or Sam. Scott, or some one else, were to bring the matter before the Church, and move my expulsion on the ground that I had libelled the pastor, and had acknowledged the fact by retracting every thing offensive to him! Cannot all see now the cunning trap laid in presenting that honorable proposition for settlement, now so much talked of as so fair on the part of Elder Howell, viz.: that I should take back every thing which Elder Howell should claim was offensive to him, *before knowing what they were*, after which he would take back all he had said or published offensive to me! Does not every one see the wickedness of the plot, the coil, the trap, the fall devised to ruin me, provided a private adjustment between Elder Howell and myself was not to prevent my arraignment before the Church? And then it is not to be forgotten that Dr. C. K. Winston, one of the two appointed by Elder Howell, did expressly assure me that a reconciliation between Elder Howell and myself would be a final end of the whole matter, and keep the matter out of the Church. And does any sane man believe

that had it been published in the Tennessee Baptist over our signatures that Elder Howell and myself had settled our difficulty in a manner perfectly honorable and satisfactory to each other, that it would have been deemed necessary to bring the matters charged into the Church? Would not Elder Howell's friends in Tennessee and Alabama and the South have been satisfied with what had satisfied him?

I am not prepared to believe that Dr. C. K. Winston was aware of the plot conceived by Elder Howell and Fuller, when he conversed with me about that note. I understood Fuller to say on the night of the 12th of October that he understood the design.

I present the following dilemma :

If Elder Howell's note of July 19 contemplated a private final adjustment of the difficulty between him and me, he was bound to observe the law laid down in Matt. xviii.

If it did not, he laid a plot for my ruin. But the note either contemplated a private final adjustment, or it did not. Therefore Elder Howell was either bound to observe the rule in the 18th of Matthew, or confess he laid a plot for my ruin.

The second ground by which I sustain my plea :

The offences charged being of a personal or individual character, as I have proved beyond a question, and were bound to be proceeded with according to Matt. xviii., which law the prosecuting party indignantly refused to be governed by, and demanded an extra-judicial process to be acquiesced in by the accused—which being declined, the case was forced by the dominant party into the Church for trial, contrary to the earnest protest of the accused, and a large and respectable minority of the oldest members and officers of the Church.

The prosecuting party, in order to palliate in some measure his conduct, pleads that since I claimed that he had offended me, I ought to have come to him. I reply that even though I had not made an effort to "come to him," it does in no wise excuse him. He was my pastor, and ought to have set me a good example. But I claim that I did go to him in the Bible acceptance of the phrase, but was contemptuously repulsed from his door.

I have said Elder Howell did most seriously offend me by the unjust and injurious charge he made upon me and others intimately associated with me in the S. S. Convention in Nashville. But he evaded the responsibility of a *direct* attack, and disarmed me by avowing that he did not himself charge mercenary motives, but it seemed to him others would—he however *saw a gourd handle*, etc. Though clearly satisfied what his object was, I could not after his disavowal prefer a personal complaint against him. His Index letter assailed the competency of the proposed Board, which included myself, and assailed also my theological opinions and some of the publications of the House with which I am connected. This attack could not but be highly offensive to me, and affected Elder Howell's relation to me because the object of his assault was so obvious. But it was his right to express his opinion of the competency or incompetency of a Board—to oppose my theological views or repudiate the teachings of any book, wherever issued—and had I gone

and complained of his motive, he could have charged me with judging him. I therefore answered him publicly, and to the best of my judgment and ability.

But when he sent me that note of April the 3d, he did give me a personal offence, and I at once went to him, in the following letter of explanation, and respectfully asked a private interview, but was contemptuously repulsed.

APRIL 5, 1858.

BROTHER HOWELL:—Yours, of Saturday, is to me astonishing and painful. I am at a loss how to reply.

1. In the first place, allow me to say, that I “took no occasion of your absence” either to visit the prayer-meeting, much less “to take a prominent part” in it. I expected you would be at the meeting, and that an opportunity would be given to those wishing to unite to do so, and, at my wife’s request, I declined preaching in the country, to accompany her and a young man living with me to the meeting, to offer their letters for membership.

2. I took no part in that meeting, beyond singing, until Brother C. K. Winston came and especially urged me to go forward and do so.

3. I had no reason to believe, much less to “know that it was unpleasant or displeasing to many of the members present, on account of the course you [I] had pursued towards me, [you,] their pastor,” for me to lift my voice in prayer with theirs in a social meeting, or who would desire that I should be denied by you the privilege of praying for inquiring sinners. That one, or two, or three, may possibly entertain this feeling, is supposable, if such feelings are supposable of *Christians*. But suppose you establish this principle and policy in the First Church—that no member shall be allowed to sing or pray who is not entirely acceptable to every member of the Church—how many will be allowed to sing or pray very soon?

4. But no part of your letter astonished me more than the power (I had like to have said *prelatical*) you claim to exercise upon me in this case, and of course upon all your members in similar cases. Because my course as editor is not pleasing to yourself, and two or three others, from whose personal attacks I have successfully defended myself and the interest with which I am connected, you virtually forbid me to take part with my brethren in their social prayer-meetings, or to pray for or exhort sinners to repent and turn to God. Where, Brother Howell, I would most respectfully ask, do you find authority in God’s word to sustain you in this? Are you warranted by either the letter or the spirit of Christianity to treat me thus? I submit another question. Why am I alone made to feel this weight of pastoral oppression? Are not those brethren and sisters (by no means a few names) *who approve of the very acts in me that you disapprove*, equally guilty with me, and equally deserving of this punishment, or any other penalty you may desire to inflict upon me? Why will you call upon them to pray and not upon me?

5. I know not the charges to which you allude. You do not say they are *mine*. If you claim that I have made a false charge against you, my columns are open to you and you can easily make it to appear, and I pledge you that I will retract and make every reparation a Christian would require. Brother Howell, if you claim that I have wronged you, I entreat of you to point out that wrong to me, as the Scriptures require you to do.

6. You allege recent charges in the Tennessee Baptist (if I understand your language) as the reason for not wishing me to take part in the future prayer-meetings of the Church. Now, Brother Howell, we might as well be frank and open. You know you have been (since your return) unwilling for me to take part in the religious worship of the Church. You well know that you have not, since the day of your return to this city, extended to me the slightest *ministerial*, or even *brotherly* courtesy, for you have not so much as called on me to pray in a social prayer-meeting. But, as though you would make others see and me *feel* your disrespect, you have called brethren upon my right and upon my left, and

by my side, to pray, and passed me by. This I have felt, and this has been noticed and remarked upon, as you well knew it would be, and, if you are acquainted with the real feelings of "many" of the members, you know that you grieved more by pursuing this course toward me, than you pleased. And all this was before you can claim that I made charges against you in the Tennessee Baptist. Am I not forced, Brother Howell, to conclude that you have some immediate or ulterior end to accomplish by persistently pursuing this line of conduct toward the best friend you ever had? Does it not look like discrediting me as a minister, and even a Christian, in Nashville and the First Church? Is it not that Dr. Jones may have some show of reason for explaining for you, as he has in the South-western Baptist, and that my enemies may have cause to triumph over me? Brother Howell, if there were not a God above us, who shields those who trust in him and who attempt to serve him, all this might be accomplished, and I be sent down to the grave under a crushing weight of obloquy and reproach; but conscious of my rectitude, I trust all into *his* hands, and if I suffer wrongfully for a season, TIME will vindicate me, and for my shame I will have double reward. I must be allowed to ask, if your whole treatment of me since your return to this city comports with the profession you made to me when I called upon you? Did I not then suggest to you the very course you had marked out to pursue towards me, and the influences of the House with which I am connected? And, although you denied that you intended to pursue the line of policy indicated, were you not then doing it, and have you not steadily pursued it from that day to this? It seems so to me.

Finally. You marked your note *private*, but it is not of a character to be kept private. Your request is as unreasonable as impossible to be granted. When I opened it I was by the side of Dr. C. K. Winston, who had invited me the night before to take part in the meeting, and I requested him to read it—as I did Shankland and Scovel, who showed it to two other *deacons*. I said to these brethren, "You know all my offence, and I wish to be advised in the premises. Shall I attend the prayer-meetings, or confess I am driven out by the pastor?" The contents of the note could not be kept "strictly private." Should I stay away from the meetings, although it would be the subject of remark, as it already has been, and the true reason would have to be given. If I attended, and was treated, night after night, as you have heretofore treated me, the reason would be demanded, and it would be my duty to give it. You must be aware you imposed an impossible restriction upon me, and one that I feel no hesitancy in refusing to grant. Brother Howell, your course toward me has aggrieved me, and I wish to meet you in private to converse with you as one brother should with another. Will you grant the meeting? If so, what afternoon or night next week? or when? In the meantime, believe me, though grieved, still Your brother in Christ,

J. R. GRAVES.

(1.) He denies my act of coming to him because he did not so much as open my letter, seeing the superscription was mine, but sent it back to me. This only aggravates the criminality of his conduct toward me. It was his duty to have opened and read that letter, and granted the private interview sought. He not only violated all the laws of common courtesy and civility, but the law of Christ. I am entitled to all the advantages of my act in going to him, as much as if he had read my letter and insultingly rejected its request.

(2.) I agreed to the committee of two brethren chosen by each, because I understood that it was to be left to them to decide upon the proper scriptural basis of settlement—decide whether it was not the duty of the parties to strictly conform to the rule in Matt. xviii. I said to the brethren who acted for me, "Command me to obey the Scriptures, and I obey, but no other law." This committee did unanimously agree that the offences complained of were of a personal character—two by deciding it was our duty to have a personal interview, the other two by determin-

ing that we should adjust it privately, by a process the Saviour never recognized—a *private correspondence*. I believe that C. A. Fuller alone understood the snare laid for me in these propositions, but I am at a loss to understand why Dr. C. K. Winston opposed a personal interview, when he admitted that had it taken place the whole matter would doubtless have been settled.

That I never considered myself a party to any procedure contrary to the law of Christ, is evidenced by my letter to Elder Howell through these brethren. I did all my brethren would advise or consent that I might do to effect a settlement with Elder Howell upon scriptural principles—more I could not do.

(3.) I resisted the procedure because of the jurisdiction assumed over foreign parties whose character was as much involved as my own, several of whom had no knowledge of what was transpiring, and others had expressed their unwillingness to be involved; but the matters being personal to them and myself, required the law of Christ to be observed, which had not been done; and finally, I was refused the right to meet these accusers before my judges, face to face.

To sustain the first clause of my position, I refer you to the ruling of President Crawford. [See his letter.] In support of the latter, I refer to letter No. 9, Closing Plea, taken from Periodical Library—an article written by Dr. J. S. Baker, in 1847.

(4.) I could not justly have been required to go into the trial had all the preliminary steps been according to the Scriptures, because I was not furnished with the specifications. This I have proved to you as I passed through the examination.

Look again at the list of references given to me. Could I tell certainly what was in the Southern Baptist Register of which Elder Howell could complain? Was I not left to my own judgment? Had I gone forward, what would have been the result? I would have prepared myself to meet certain things in those numbers of the Baptist which I supposed were the specifications, but when I came into trial would have found that I had missed the points altogether! The Register case illustrates it. How I would have been caught! How was I caught? I sought diligently through the Register, sentence by sentence, again and again. My associate editors did also, and we all concluded without a doubt that the omission of the D.D. from Elder Howell's name was unquestionably the specification, and there was more reason to sustain a charge on this point than on any one of the others. I took my position and prepared myself to meet it, but lo and behold, it is claimed by Elder Howell that that was not the thing complained of at all, and when the specifications are read out in the trial, the Register is not so much as mentioned, and Elder Howell, in sustaining the specifications before the Church, did not so much as allude to the Register!\*

Not all the lawyers in Philadelphia could have so much as conjectured

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\* In some remarks before he examined the specifications, he referred to the advertisement of the S. W. P. House upon the cover, but this had nothing to do with me, nor with Elder Howell, nor was it treated as a specification.

what the specifications would be from the references given me to prepare for trial. And under the last head, how could I know what charges the Bible Board, Hillsman, Dawson, Waller, Tustin, Everts, and Duncan would have tabled before me that night? But you have seen that these men were used as *accusers* and *witnesses*, nor was I allowed to meet them face to face. This point is so clear that all can see it. I was not furnished with specifications, contrary to the laws of the civilized world, and therefore could not go into trial; and it was my duty to resist this wanton and violent encroachment upon my rights as a man and a Christian. I did, therefore, deny the scripturality of the proceedings, and, when the power of my protest was refused, I denied the jurisdiction of the dominant party over me, and withdrew, thus subjecting myself to exclusion upon the spot for insubordination to their usurped authority. But, contrary to my expectation, I was still treated as a member, and the "trial," as it is called, proceeded with, in order to allow my enemies, under the cover of Church authority, to blacken my name with libel and calumny, and cover me, as a Christian minister, with the blackness of the darkest disgrace.

(5.) Baptist usage was discarded, which, under the circumstances, was unjust, and under any circumstances, except the most unquestionable public offences, inexpedient.

It was unjust, because my prosecutors well knew and boasted that the majority of the Church were prejudiced against me, and not prepared to do me justice. Whenever this is the case—where there is a powerful party in the Church inimical to the accused—the advice of sister Churches should be sought. The common sentiment of justice in civilized and even in savage man, revolts at arraiging a man for trial before his bitter and avowed enemies. Whenever our courts are satisfied that a general and deep prejudice is entertained toward the vilest criminal, they allow the case to be removed to another county.

Touching the expediency of calling in a Council in the trial of a minister, I read the opinions of the venerable Wm. Sands, of Va., and J. S. Baker, and the late Thomas H. Meredith, of North Carolina, given many years ago.

(6.) I was satisfied, and had the evidence, that there was a large ascertained and well-drilled majority committed to my conviction in any event. This was in accordance with a plan intimated by Elder Howell to Elders Cason and Kimbrough.

How did Elder Howell know that the act would only cost him forty members, as he said, unless they had been thoroughly drilled and committed? He had with him all that party in the Bible Board who adopted that memorable report, and their families, relatives, and friends. He had a very unusual advantage from the Sabbath-school: during that year he had received in some fifty children, minors—many of them the children, and all the associates of the children of the members of the Bible Board. These lads and misses ought never to have been allowed to sit in judgment upon a case of this magnitude—involving matters they could not possibly understand. Yet they were all warmly enlisted for Elder Howell, and voted promptly, and with the precision of a drill-master

fire—many of them confessing that they did not understand the merits of the matters involved! I submit testimony in proof of this:

NASHVILLE, March 1, 1859.

Immediately after the charges were preferred against Elder J. R. Graves, I fell into company with one of Elder Howell's recent converts, who accosted me with, "I have a crow to pick with you," to which I replied, "Very well." The individual then commenced lecturing me for voting in Mr. Graves' favor. I asked, "Do you believe Mr. Graves guilty of what they charge him?" The reply was, "I do not know any thing about it, but I shall vote against him any way."

SHEPPARD FOSTER.

NASHVILLE, March 1, 1859.

Before entering the Church on the first night the charges were preferred against Elder J. R. Graves, I stopped a few moments opposite the door. My attention was soon arrested by a group of lads who were talking very earnestly about the object of the meeting that night. One of them, calling another by name, asked how he was "going to vote?" He replied that he "was going to vote to throw *old Graves* overboard." Another asked if Graves was going to speak, to which one replied, "He is not here, but I reckon they will cut his head off any way," and he was going to vote for it.

W. P. MARKS.

In the early part of the summer of 1858, while in conversation with a member of Dr. Howell's Church, the individual expressed a wish that Mr. Graves was out of the Church. I asked what he had done to call forth such an expression. The reply was, "I do not like the man or his course generally, and I wish he was out of the way."

W. P. M.

I here submit my plea in justification of my course in resisting trial. I acted in the fear of God, and, as I conscientiously believed the letter and spirit of the New Testament required me to act, in order to sustain the authority and law of Jesus Christ. I knew that my prosecutor had determined and prepared the verdict that should be rendered, independent of my innocence or guilt. He had frankly avowed his purpose months before to crush me by a disgrace of a Church exclusion. He believed his over-estimated influence would be sufficient to secure the ultimate approval of the denomination at large to the foul act. So far as I could foresee, ecclesiastical death, in a most dreadful form, awaited me. I determined that the authority and the laws of Christ should at least be honored by an outward observance of them in the transaction. By the laws of Christ, which are the only code that govern a Baptist Church, I was willing to be tried. I claim that all those members who took their stand upon the Bible, and resisted the action of the dominant majority in the unscriptural procedure, were the witnesses of Jesus that night before the world, and that they, and they only, are entitled to be regarded as the orderly and orthodox portion of the First Baptist Church of Nashville. **A CONSTITUTIONAL MINORITY IS IN ALL CASES THE CHURCH: A DISORDERLY MAJORITY, HOWEVER LARGE, IS A FACTION.**

## AFTERNOON SESSION.

Council met at 2 o'clock. Prayer by Elder A. C. Dayton.

On motion, it was agreed that the order of the evening should be reports of the Special Committees.

Committee on the first plea was called, and reported as follows:

Your Committee, to whom was referred the investigation of the first plea in the defence of Elder J. R. Graves, which plea is, that there was a combination on the part of Elder R. B. C. Howell and a party in the First Church to ruin Elder Graves by foul means, beg leave to submit the following as their report:

We have examined the testimony in the case, which is of such a character as to force us to believe that such a combination did exist. Your committee also *conscientiously* believe, from the testimony submitted to them, that the plan was premeditated and set on foot long before its consummation, and that Elder Graves' exclusion was *determined* upon before he was arraigned at the bar of the Church. All of which is respectfully submitted:

E. W. HAILE,	} Com.
JOHN BOND,	
G. W. EVERETT,	

After some forcible remarks by Elds. E. W. Haile and John Bond, the report was unanimously adopted.

The committee on First Charge was called, and reported as follows:

The committee to whom was referred the First Charge against Elder J. R. Graves, and the specifications under that charge, report:

That, in their judgment, the charge scarcely deserves notice at all, on account of its absurdity. Elder Graves is charged with bringing "reproach and injury" on Elder Howell "by forcing him into collision" with Brother Dayton. If the charge was true, we do not see that Elder Graves would be guilty of what Messrs. Darden and Fuller call "grossly immoral and unchristian conduct." These brethren surely did not think how strong their language is. But we cannot see how it is possible for the charge to be true, because we do not believe Elder Howell could be *forced* by Elder Graves. We have asked ourselves whether we could be forced? We can see but one way in which we could. Superior bodily strength to ours might be applied to us, and we might be forced in this manner; but cannot understand how our minds can be forced. Of course there is in the charge no reference to physical force, and Elder Howell could be forced in no other way. The charge falls of itself.

Under this charge, that is, for the purpose of proving it, we find "The Southern Baptist Register" for 1858, and several numbers of the Tennessee Baptist, referred to. We have examined the published "Trial," page 25, where the first charge is taken up, and it is said: "Mr. Fuller stated that the evidence to sustain this count was to be found in various numbers of the Tennessee Baptist," but we find nothing said about the Register. This is strange; but we make no comment on it. And all the extracts made from the Tennessee Baptist can be easily explained, without involving what the prosecutors call "various false and malicious representations." In examining these extracts, we can hardly avoid the conclusion that the prosecutors, while imputing malice to Elder Graves, were influenced by it themselves.

A document written by Dr. R. W. January, in answer to queries propounded to him, has been placed in our hands. We suppose it was intended to refute the statement made by Elder H., on the night of the 12th October, that he had had, to that time, no difficulty with any man, or words to that effect. Dr. J. gives an account of a difficulty he had with Elder H., and of the course Elder H. pursued

toward Mill Creek Church and old Father Whitsett. We recommend that the publication of this document be submitted to the discretion of this Church.

We say nothing now, except that we regard the charge referred to in this report personal.

Respectfully submitted:

W. H. GRIMMET,	} Com.
R. R. BARTON,	
JOHN SANDERS,	

On motion of Elder Haile, that portion of the report which referred to the publication of a document from Dr. R. W. January was stricken out, and its publication left to the discretion of the Church.

The committee to whom was referred the Second Charge was called, and reported as follows:

REPORT ON SECOND CHARGE AND SPECIFICATIONS.

The Committee to whom was referred the Second Charge and Specifications with the testimony adduced on the part of the prosecution, as well as the proof in defence of the accused, have had the same in prayerful consideration. In view of all the facts presented in the case, your committee unanimously agree in the opinion that the Second Charge is not sustained.

Respectfully submitted:

N. M. GREEN, Chn.
B. F. BUTLER,
N. LOWE.

On motion, the report was unanimously adopted. The committee to whom was referred the Third Charge was called, and reported as follows:

The committee to whom was referred the Third Charge against Elder J. R. Graves report:

That they have searched in vain in the numbers of the Tennessee Baptist mentioned, to find evidence that Elder Graves has published in his paper "sundry foul and atrocious libels" against Elder Howell. So far as we can see, Elder Graves, in what he has published of Elder Howell, has been defending himself and others from what Elder Howell has said or published. When we consider the efforts made to crush the Southern Baptist Sabbath-School Union, we not wonder at Elder Graves' earnest advocacy of it, nor at the plain and severe language he sometimes used. We think it would have been better if, in some instances, he had employed milder words; but, under the circumstances surrounding him, we do not wonder he expressed himself as he did. He is surely far more excusable than those who *deliberately* charge him with "*foul and atrocious libels.*" We can find nothing to sustain this charge, and we think all unprejudiced persons will agree with us in this view. It is proper to say, we regard the charge a personal one. And it should be remembered that many of these libels, so-called, are expressions of opinion by leading brethren, correspondents of the Tennessee Baptist. One thing has struck us as a little strange. When opposition to the Southern Baptist Sabbath-School Union has been referred to, Elder Howell seems to have thought he was meant without a doubt. He may have been, but we suppose he was not the only man meant. If he considered all the opposition embodied in himself, this would indicate rather too much self-esteem for so sensible a man. But it does appear that things referring to all the opposers of the Union, he understands as referring to himself.

Respectfully submitted:

W. B. TRENER,	} Com.
J. S. HITT,	
T. H. ESTES,	

The committee upon the Fourth Charge and first and second specifications presented the following report:

## REPORT ON FIRST AND SECOND SPECIFICATIONS—CHARGE FOURTH.

The committee to whom was referred the first and second specifications, under charge fourth, on examination, report:

1. That the Church had no right to try the accused for such charges, since neither Dr. Fuller nor Dr. Waller had requested it.
2. That it has not been proven that what was published in the Tennessee Baptist was false. How, then, slandered?
3. That the professed conviction of the accused was based on the assertion of the accuser, and not on evidence.
4. That Dr. Fuller, from his letter, has no charge whatever against Elder J. R. Graves.
5. That Dr. J. L. Waller and the accused adjusted all their difficulties before Waller's death.
6. That Dr. Fuller and Dr. Waller exonerate Elder J. R. Graves from guilt, and that he (Elder Graves) triumphantly defends himself and shows himself *innocent* of the charge.

Respectfully submitted,

E. A. MCNEAL,	} Com.
H. CARVER,	
W. C. BRITTANE,	

On motion, the report was unanimously concurred in.

The committee on the third, fourth, and fifth specifications of the Fourth Charge reported as follows:

## FOURTH CHARGE—THIRD, FOURTH, AND FIFTH SPECIFICATIONS.

Your committee to whom was referred third, fourth, and fifth specifications, Charge Fourth, report:

We are of opinion that such charge against Brother Graves ought not to have been brought; Brother Graves and Elder Everts having settled their difficulty in 1857.

We are of opinion that the matter between Brother Graves and Dr. Duncan is one that the First Church had no jurisdiction over, and said charge ought not to have been entertained by the Church.

We view the case of Elder Tustin in the same light of that of Dr. Duncan.\*

We believe that Brother Graves has fully vindicated himself in his defence against the above charge and specifications.

Respectfully submitted:

W. G. BAKER,	} Com.
E. W. VAUGHN,	
S. H. BARNES,	

On motion, the report was unanimously adopted.

The committee on the sixth and seventh specifications of the Fourth Charge reported as follows:

We, the committee appointed to investigate the Fourth Charge and sixth specification, beg leave to make the following report:

After a deliberate investigation of the defence of Elder J. R. Graves, in regard to this specification, we do not hesitate to state that we think he has, in every particular, shown that it, like many others, had its origin not from a mind imbued with the spirit of Christ, but in one led on by blind prejudice, fully intent on the accomplishment of one object, right or wrong, showing, also, evidently there was a combination of several to accomplish the ruin of our brother.

\* Mr. Tustin has since united with the Episcopal Hierarchy, and was confirmed in the city of Rome, May 1st, 1859.

Respecting the (Probus) article, charging it upon Elder J. R. Graves, there is no proof of it. Respecting the statement of Probus, it was made from what Elder Perryman said he and others understood from Dawson; therefore, we cannot attach any blame to Elder Graves in this particular. All of which is respectfully submitted.

Respecting the Fourth Charge and seventh specification, we would say, the only means we had of ascertaining the truthfulness of Elder Dayton's and C. A. Fuller's statements, has been wholly refused us. He (Fuller) refused the committee access to the Treasurer's books peremptorily—calling the committee self-constituted, having no authority to act, etc. All of which is respectfully submitted :

M. J. GREEN,	} Com.
J. M. FITZHUGH,	
T. W. EDWARDS,	

On motion, the report was unanimously adopted.\*

The committee on the Fifth Charge was then called, and reported as follows :

We, the committee to whom was referred the Fifth Charge, with nine specifications, preferred by S. M. Scott and A. Nelson against Elder J. R. Graves, before the First Baptist Church on the evening of the 10th October, 1858, have to report as follows :

That in the nine specifications relied upon as proof to convict Elder Graves, we find nothing worthy of Church action; but that we deem the defence of Elder Graves as complete, and his vindication against the charge ample and thoroughly satisfactory to our minds.

We would further state, that the evidence adduced before the Council, in some respects, makes matters appear much worse than Elder Graves has been charged with representing them to be, and especially so in the affair of threatened personal violence by Mr. C. A. Fuller toward Elder A. C. Dayton.

Respectfully submitted:

G. W. HAGAR,	} Com.
J. T. GAMBILL,	
PETER MELVIN,	

On motion, the report was unanimously adopted.

The committee upon Elder Graves's second plea in defence was called, and offered the following :

Your committee, to whom was referred the question, "Was Elder J. R. Graves justifiable in resisting trial by the dominant party in the First Baptist Church, Nashville, Tennessee, under the circumstances?" beg leave to submit the following :

After having examined the facts of the case as thoroughly as our time and opportunities would admit, with the 18th of Matthew before us, we are wholly of the opinion that Elder Graves was justifiable.

Respectfully submitted:

J. J. MARTIN,	} Com.
J. C. LANIUS,	
E. D. SMITH,	
J. M. D. CATES,	

The following preamble and resolution was adopted :

Whereas, it has been falsely circulated that this Council is composed of the known friends of Elder Graves, picked by him out of the Associations; therefore,

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\* Elders Graves and Dawson have since this report had a personal interview, and amicably adjusted their differences. Elder Graves was acquitted of all matters charged. See page 170.

Resolved, That the Moderator is requested to publish in the city papers the letter sent by the Spring Street Church to the Churches, requesting aid, and that that letter be inserted in the proceedings of this body.

The following appeared in the city papers :

TO THE PUBLIC.

MESSRS. EDITORS :—It was stated last night in the Baptist Council at Odd Fellows' Hall, that a report is in circulation in this city that the Council is a "packed jury," composed of men "picked" for the purpose of sustaining Elder J. R. Graves; whereupon the Moderator of the Council was directed to request the editors of the city papers to publish the following document, which will show in what manner the Council was called. In compliance with the order of the Council, I very courteously request you, Messrs. Editors, to publish the following circular, a copy of which was sent to every Church in Concord Association.

Very respectfully,  
J. J. MARTIN,  
Moderator of the Council.

NASHVILLE, March 4, 1859.

NASHVILLE, Jan. 25, 1859.

*To the Clerk of ——— Baptist Church, greeting :*

DEAR BROTHER :—At a meeting held on the 12th October last, of members composing the minority, who, at that time, "solemnly and sorrowfully" withdrew from, and declared non-fellowship with, the majority of the First Baptist Church in this city, and at which time charges had been preferred, and were then pending against our brother, Elder James R. Graves, it was unanimously resolved to grant the request of Brother Graves, in calling a Council of two brethren from each Church embraced in Concord Association, to assist in an investigation of the charges above alluded to. And at a meeting of the same body, held January 19, 1859, it was resolved, That J. C. Darden, C. A. Fuller, A. Nelson, and S. M. Scott, prosecutors of the aforesaid charges, together with R. B. C. Howell, be invited to unite with said minority in calling upon all the Churches in the aforesaid Association to meet by messengers duly appointed, in this city, on the first Tuesday in March next, for an impartial examination of the charges against Brother Graves.

It was furthermore resolved, That Sunday and Monday nights preceding the first Tuesday in March next be set apart as times for special prayer to Almighty God, that he would influence the decision of the Council to the furtherance of his glory and cause in this city and the world; and that the Churches and our brethren generally be requested to engage their hearts in calling upon God, while the Council is in session, to direct all its acts, and secure the triumph of righteousness and truth, and the peace of all the Churches of our land.

In compliance with the above-named resolutions, you are, therefore, affectionately requested to lay this invitation before your Church at its next meeting, that it may appoint its pastor, (if he be a member,) and one other brother, or if your pastor's membership be not in your Church, that it will appoint two of its most discreet and impartial members, of sound judgment in matters of discipline, to compose a Council to assist in the aforesaid investigation. Praying that your Church will grant the petition of the minority, I remain yours in fraternal bonds

A. B. SHANKLAND, Clerk.

On motion, the Council gave way a short time for a meeting of the Church.

The Council being again called to order, on motion of Elder E. W. Haile, it was resolved that a final committee be appointed whose business it shall be to consider the reports of the Special Committees and the

testimony, together with the charges preferred against Elder J. R. Graves, and report accordingly; also to procure the signature of each member of the Council.

On motion, Elder J. J. Martin was appointed Chairman, Jas. Fletcher, N. Low, W. H. Grimmet, and John Bond were appointed that committee.

The following preamble and resolution was adopted :

Whereas, Elder A. C. Dayton is a minister of the gospel, and may be called upon to visit other States in his ministerial duties, and has been excluded from the First Church by the dominant party of said Church, *Resolved*, That a committee be appointed to investigate the charges upon which he was excluded and report accordingly, that brethren whom he may visit may be assured of his Christian standing.

J. J. Martin, M. J. Green, W. H. Grimmet were appointed.

On motion, Elder J. M. Pendleton was appointed to preach at half-past seven o'clock.

Council adjourned with prayer.

After preaching by J. M. Pendleton, the Council, at the call of the Chairman, proceeded to business.

Elder Graves presented to the Moderator a package of certificates which had been handed him that evening. He knew not their contents, not having read them, but was informed they were from his neighbors who had known him for the past ten years, and those with whom he had had business transactions.

On motion by Elder J. Bond, the letters were received and read.

They all testified that they had long known Elder Graves as a citizen and neighbor, and esteemed him a man of sterling integrity, and that his character as an honorable man and Christian minister was above reproach.

On motion, requested all those having testified in this examination to furnish their testimony in writing.

The committee to investigate the charges against Elder Dayton reported that they regarded his conduct as justifiable and commendable, and commended him to the Churches as a Christian minister deserving their confidence and affection. The report was unanimously concurred in.

The Minutes having been read and corrected, the Council adjourned. Prayer by Elder L. H. Bethel.

#### FINAL REPORT.

The committee appointed to make a final report touching all matters connected with the "trial" of Elder J. R. Graves, submit the following :

We deem it unnecessary to refer in detail to the topics that have come before the Council. A general summary of the reports of the special committees, with a few additional considerations, will, as we suppose, answer the purpose of our appointment. With the testimony before us in proof of the fact, we are obliged to believe that there was, on the part of Elder Howell and others, a determination to ruin Elder Graves, and that determination was formed prior to Elder Graves's arraignment before the Church, while the *trial*, so-called, was instituted, carried on, and consummated in pursuance of that determination.

From the *trial* as published we learn that Elder Graves was charged by Messrs. Darden and Fuller "with grossly immoral and unchristian conduct." We think

these gentlemen were probably not aware of the full import of their language. Such offences as drunkenness, adultery, forgery, arson, burglary, etc., are comprehended in "grossly immoral conduct," but these things are not charged against Elder Graves. It is charged that "he has sought to bring upon R. B. C. Howell reproach and injury," etc. It is not alleged that he *has brought* upon Elder Howell "reproach and injury," but that he has *sought* to do it. Of the truth of the charge in this form we have vainly searched for proof. If it be asked how Elder Graves sought to bring "reproach and injury" on Elder Howell, the answer, in the language of the prosecutors, is, "by forcing him into collision with Rev. A. C. Dayton," etc. Let any man say whether Elder Howell could be *forced* into collision with Elder Dayton, or any one else. The thing is too ridiculous to deserve a moment's thought.

In the second charge it is alleged that Elder Graves "has endeavored to distract and divide said Church by means of a conflict between its pastor and four of its deacons, and several others of its influential members," etc. We find no proof of the truth of this charge. We learn, however, that when Elder Howell wrote disparagingly of those "deacons" and "members," Elder Graves defended them as suitable men to be managers of the Southern Baptist Sabbath-School Union. If there was any attempt made to distract and divide the Church, Elder Howell certainly commenced it, and has himself to blame.

It is charged, thirdly, that Elder Graves has published against R. B. C. Howell "sundry foul and atrocious libels." This allegation is not sustained by evidence. We admit that Elder Graves has written plainly, and, in some instances, even severely. Perhaps a milder phraseology would have been better; but that he has published "sundry foul and atrocious libels" against Elder Howell, is an assertion unsupported by proof. In what he has published of Elder Howell, Elder Graves has been defending himself, and others, against Elder Howell's attacks and insinuations.

The Fourth Charge alleges that Elder Graves "has, at various times, attacked, slandered, and abused ministers and brethren of high character, belonging to our denomination," etc.

We suppose the prosecutors, in using the terms ministers and brethren, intended to make a distinction between preachers and laymen, but we see in the specifications no reference to laymen. There is, however, mention made of several ministers. Elder R. Fuller, of Baltimore, is first named. Elder Graves is said to have slandered him in the Tennessee Baptist of July 9, 1853—and more than five years after, the charge is preferred! If Messrs. Darden and Fuller are so zealous in matters of Church discipline, it strikes us as rather strange they did not act at an earlier day. One thing is very certain: if they did right in bringing the matter up September 8, 1858, they sinned greatly in neglecting it from July 9, 1853. Their failure to act years before they did may possibly be explained by the fact that they were not the *real* prosecutors. However this may be, when Elder Fuller requested that his name should have no place in the proceedings against Elder Graves, the request ought certainly to have been granted. That Elder Howell and his friends did not grant it, indicates, we think, a state of heart from which Christian men should earnestly pray to be delivered.

It is said also that Elder Waller, of Kentucky, was slandered by Elder Graves. Elder Waller died in October, 1854. Why was not a charge brought against Elder Graves years before? On this point it is needless for us to express an opinion; but we do say that Mr. C. A. Fuller, in his "running comment," makes representations which are untrue. He deals in unsustained statements, as one may see who will look into the matter. We see no evidence that Elder Graves ever slandered Elder Waller.

It is charged also that Elder W. W. Everts, of Louisville, has been defamed by Elder Graves. The misunderstanding between Elders Everts and Graves was settled in the presence of Elder J. H. Eaton, in May, 1857. This is admitted in the published trial, but, it is argued, this settlement does not relieve the Church from the responsibility of looking into it, etc. This is strange doctrine to us. We think when a difficulty between two brethren is settled, there is an end to the

matter. How Elder Everts has found it in his heart to go back of the settlement in 1857, we pretend not to know.

It is charged that Elder Graves has slandered Elder W. C. Duncan, of New Orleans. We dismiss this case with the remark that Elder Duncan really seems to be both accuser and witness, while his complaints against Elder Graves date back as far as 1854.

Messrs. Tustin and Dawson are also referred to as slandered persons. What Elder Graves has published about them is of comparatively recent date, and is known by the brethren generally. We do not see how slander can be tortured out of it. As to all the ministers mentioned in the specifications under the Fourth Charge, we refer to the reports of the special committees as containing views sustained by the facts in every case.

With regard to the charge and specifications by S. M. Scott and A. Nelson, we can but express our astonishment that a body of sensible men agreed to entertain them. A trial had been instituted—four serious charges had been preferred—and before they were disposed of, another charge with nine specifications was presented. It is difficult to reconcile this with a love of justice. We do not pronounce it impossible. The testimony and explanations submitted by Elder Graves, in response to Messrs. Scott and Nelson, we regard as perfectly satisfactory, and the two gentlemen are not left in a very enviable predicament. Those who allege against another what they cannot establish are not themselves free from blame.

With all the facts before us, connected with the proceedings against Elder Graves, we believe he was justifiable in refusing to go into trial. It is clear to us that his arraignment was unscriptural. The first three charges are obviously personal to Elder Howell. We suppose he so considered them in declining to act as Moderator during the trial. We are obliged to believe that he so regarded them when in his note of July 19, 1858, he expressed to Elder Graves his anxiety to adjust the difficulty with a view to *keep it out of the Church*. If, then, the offences were personal, (whether private or public makes no difference,) the case came under Matthew xviii.; and if so, the parties ought to have had a personal interview between themselves, and then in the presence of brethren, before the matter was brought into the Church. As the steps preparatory to Church action were not taken, there was a strange disregard of the law of Christ, which rendered the proceedings null and void. When the dominant party, present on the night of October 12, 1858, refused to sustain the "Protest" of Elder Graves, which contained an earnest plea in favor of a strict observance of the law of Christ, we believe the minority were perfectly justifiable in withdrawing from the disorderly dominant party. We speak of the *dominant party* rather than of the *majority*, because it is not in evidence that *one-third* of the members claimed by the First Baptist Church, Nashville, were present at any time during the trial of Elder Graves. The majority have never acted in his case at all. When the dominant party disregarded the law of Christ, it forfeited its claim to be considered a Church of Christ, and became a faction. Some seem to think that because *ninety-eight* voted against the "Protest," and *forty-one* for it, the larger number cannot be a faction. What is a faction, politically? A party arrayed against the constitutional government of the State. It does not depend on numbers. If few oppose the established government, they are a faction—if many oppose it, they are a faction. What is a faction ecclesiastically? A party disregarding and opposing the law of Christ, which is the constitution of his Churches. It depends no more than a political faction on numbers. If in a Church of a thousand members *nine hundred* forsake the law of Christ, they are a faction, and the hundred who adhere to that law are the Church. Suppose that in a Baptist Church of a hundred members eighty should resolve to practice infant baptism. Would the eighty be a gospel Church? Surely not. And why not? Because there would be a departure from the law of the gospel; and who will say that a departure in matters of discipline from Matthew xviii., though a large number may be concerned in such departure, does not invalidate the claim of the large number to be recognized as a Church of Christ? Would not the twenty in the case

supposed, adhering to the order of the gospel, be the Church? And who will say in the latter case that the minority, small though it be, adhering to the law of Christ, is not the Church, in contradistinction from the disorderly majority? If the principle is adopted that majorities are necessarily right, woe to Protestantism as compared with Romanism—woe to Baptists as compared with Pedobaptists—woe to the righteous as compared with the wicked. The truth is, the acts of majorities in Churches are null and void unless they accord with the law of Christ. Nothing else can render them binding; and to submit to proceedings at variance with the New Testament, is disloyalty to Christ. It is plain to us that Elder Graves, believing as he did (and as we do) that his arraignment was unscriptural, could not go into trial without virtually acquiescing in a violation of the law of Christ. He could not be a party to the proceeding instituted against him without giving at least his tacit sanction to its scripturality. Not believing it scriptural, how could he do this? We think he did perfectly right in refusing to do so. We can easily see how reverence for Christ's authority prompted his refusal.

But in addition to the reason already presented, Elder Graves was justifiable in refusing to be tried, because the specifications under the charges preferred against him were so indefinite as not to deserve the name of specifications. Such specifications we have never *seen*. No civil court in the land would tolerate such indefiniteness. We do not see how it can be reconciled with a disposition to do justice. The prosecutors must have presented the specifications as they did to prevent the accused from knowing what he was to meet. It is humiliating to consider such injustice perpetrated in a civilized country, to say nothing of a land enlightened by the gospel. There seems to have been a design to take a dishonorable advantage.

Once more. It seems strange to us that a Council was not called to advise in Elder Graves's case. We admit and glory in the independence of our Churches. They can act, if they think proper, independently of Councils. Still it has been Baptist usage, in matters of grave moment, for Churches to avail themselves of the advisory suggestions of judicious brethren convened in council. We are aware that the dominant party have published to the world that it was their purpose to call a Council till Elder Graves's friends opposed it in the Church. We have had satisfactory proof that Elder Graves's friends were not opposed to a Council, and that Elder Howell and party were. Some of us at least have had evidence that Elder Howell's sympathizers out of Nashville were opposed to a Council. The arraignment of Elder Graves, owing to his prominent position and extensive influence, was an event pregnant with important consequences. This made it specially proper that a Council of discreet brethren should be called to advise the Church. If such a Council had been called, no doubt the Church would have been advised to require of Elders Howell and Graves an observance of the rule laid down in Matthew xviii. And then how much trouble would our denomination have been saved! How much reproach would never have fallen on our common Christianity! But regrets are useless now.

There are other considerations we might present to show that Elder Graves was justifiable in resisting a trial, but it is needless. The impartial will, we imagine, be satisfied with the reasons we have given, and the prejudiced would perhaps not be "persuaded though one should rise from the dead."

J. J. MARTIN,  
N. M. GREEN,  
JOHN BOND,  
W. H. GRIMMETT,  
NERI LOWE,  
E. A. McNEIL,  
JAMES F. FLETCHER.

## ACTION OF THE SPRING STREET CHURCH UPON THE REPORT OF THE COUNCIL.

At a called meeting of the Spring Street Baptist Church, held April 27, 1859, the Report of the Final Committee appointed by the late Council was taken into consideration.

The following Preamble and Resolution were introduced and unanimously adopted :

*Whereas*, Most of the members of this Church being individually conversant with all the circumstances connected with, as well as the charges, alleged proofs, etc., adduced in the so-called trial of Elder J. R. Graves by the dominant majority of the First Church in this city; and

*Whereas*, Most of us heard at length the defence of our brother before the late Council, and having carefully examined the Report of its Final Committee; be it therefore

*Resolved*, that we concur in the unanimous decision of the Council as set forth in the Report of its Final Committee, and *unanimously* adopt the same as the decision of this Church.

A. B. SHANKLAND, Church Clerk.

## APPENDIX.

Elder Howell and his party have felt the force of James Fletcher's testimony, (see page 18,) and have sought to counteract its force by the negative testimony of Mr. Bell. It will not do. If one man heard President Eaton's statement, what would the testimony of one thousand men amount to, should they declare they never heard him say any thing about it?

Again, should they give up Mr. E. P. Walton as an unreliable man, the public may be assured that other testimony can be had from Virginia to establish the fact that Elder Howell declared his intention before he left Virginia to crush or put down J. R. Graves. It is withheld until Elder Howell discredits E. P. Walton.

Let the reader turn to page 18 and examine James Fletcher's certificate, and compare it with the following relation by Professor Pendleton, also with the certificate of Dr. King and others :

DEAR BROTHER GRAVES :

I once related in your presence a conversation which occurred between Brother Eaton and myself during the session of the Salem Association at Woodbury, in September, 1858. You wish me to commit that conversation to writing and place it at your disposal. \*I have no objection. Just before leaving home for the Association I had received a letter from you in which you stated your purpose not to submit to a trial on the charges preferred against you in the First Church, Nashville. The reasons you assigned for the course you intended to pursue were subsequently presented and enlarged upon in your "Protest." Brother Eaton said that if he were in your place he would refuse to be tried on the first three charges, because they were obviously personal; but that he would submit to a trial on the fourth. This remark was called out by your letter, which I read in the presence of Brother Eaton and others at Brother Bethel's, the first day of the Association, which was Saturday. The next day Brother Eaton and myself, at Major Talley's after dinner, took seats out of the house in the shade to smoke each a cigar. We were alone. The state of things at Nashville was again referred to. I remarked, "They'll turn Graves out, and when they dispose of his

case they'll turn Dayton out, and if I were a member, then they would turn me out; and as it is, if Howell thought he had as much influence at Murfreesboro as formerly, I have no doubt he would try to get you, as deservedly the most influential member of the Church, to try and have me excluded there." Brother Eaton replied, "This is not his plan of getting clear of you, but he wants me to let the University go down to get you out of the Faculty, and says he will then interest himself in placing the Institution on a better foundation than ever."

I never was more surprised than at this information. I had been satisfied for some time that Elder Howell was not my friend, but it had not entered into my thoughts that his opposition to me was so strong. Indeed, what Brother Eaton told me was like a clap of thunder from a clear sky. Some days after my return home I told Professor Jarman what I had learned was Elder Howell's plan of getting me out of the Faculty. Professor Jarman replied that President Eaton had told him of it some time before. I also learned from Brother Fletcher that Brother Eaton had informed him of the matter.

In the month of October, when the Board of Trustees of the Female Institute in Murfreesboro had a meeting, Brother Eaton, in reply to Brother Fletcher, made the statements contained in Brother Fletcher's letter to Brother Shankland, which was read before the Council, March 1, 1859. I need not repeat those statements, but I refer every one who wishes to know what was said to Brother Fletcher's letter.

My attention has been directed to a letter of Col. David Bell, in which he says that Brother Eaton, in a conversation with him, said that he imputed no dishonorable motive to Dr. Howell in the matter referred to. I only aim to give the substance of what I wish to quote, as I have not the letter before me. Everybody will admit that Brother Eaton had a preëminently kind heart. He was as slow to impute bad motives as any man I have known. Possibly, in the superabundance of his charity, he attributed no bad motive to Elder Howell, and possibly Col. Bell labors under a mistake. One thing is certain. Col. Bell will not call in question the truth of Brother Fletcher's statements. And with these statements, every man may decide for himself whether Elder Howell's were honorable or dishonorable.

J. M. PENDLETON.

MURFREESBORO, June 9, 1859.

#### CERTIFICATE.

The undersigned, having seen and read the statement of James F. Fletcher read on the trial of Rev. J. R. Graves before Council at Nashville, can and do testify, a portion of them, that they were present and heard the conversation of the late Dr. Eaton with said Fletcher, and that the statement referred to is substantially correct. The other portion of the undersigned say that the late Dr. Eaton made substantially the same statement of facts to them, concerning Howell's proposition to him.

JNO. W. KING,  
R. W. JANUARY,  
BENJ. F. JONES,  
GEO. W. JARMAN,  
ED. L. JORDAN.

#### DEFENCE OF A WITNESS.

Brother J. O. Wright has been assailed, and his conduct so grossly misrepresented by Elder Howell, that he feels it due to him to set himself right.

We will say that no man's veracity in this city stands fairer than Mr. Wright's. Let any one inquire. Only think of the duplicity and deceit employed to beguile Mr. Wright down to Elder Howell's study to be drilled, and the deliberate falsehood in Elder Howell's statement!!

Touching the steam-engine, Graves & Marks purchased one—a new

patent—and sold it to Mr. Wright, without a warrant, before they had used it or seen it used. It was regarded as a splendid affair by several engineers in this city; and on their recommendation, Mr. Wright purchased it. It proved a failure; and upon a final settlement with Mr. Wright, *we charged him nothing for the engine*, thinking that we were abler to lose it than he.

Read his defence:

For the Tennessee Baptist.

MESSRS. EDITORS:—My attention has been called to the following publication, appearing in a Nashville paper. Elder Howell, I presume, is the author.

“A witness, to give fully reliable testimony, must tell ‘the *whole truth*,’ as well as ‘*nothing but the truth*.’ A false impression may be made by *withholding facts*, no less than by stating false facts. Mr. Wright tells freely what Dr. Howell says, but he is as silent as the grave in reference to all the circumstances, which entirely change the case. Mr. Wright hunts up Dr. Howell, seeks him in his study, apparently to pour into his ear *his complaint* of Mr. Graves. Tells a long story about how Mr. Graves sold him a worthless engine, and then refused to take it back! He wants to know Dr. Howell’s opinion of the transaction. He branches off into a long complaint of Mr. Marks, in regard to a house which he had built for him. He came to Dr. Howell for the purpose of complaining of Mr. Graves, and then, when Dr. Howell agrees that if Mr. Graves did as he represented, he did not act honestly, he goes off, and, withholding the circumstances, testifies that *Dr. Howell* charged Mr. Graves with dishonesty! Does not the fact of *this concealment* show a design to place Dr. Howell in an improper light? It shows a wish to place him in an attitude toward Mr. Graves as unfavorable as possible. It is reasonable to suppose that the same wish would color the whole statement.”

Elder Howell complains of me for withholding facts, in giving my certificate to Brother Graves, to be used by him in his defence before the late Nashville Council. To this charge I must plead guilty. I did withhold facts; but I will now give them. I do so with the fear of God before my eyes; with the memory of a sainted mother glowing within my breast, who taught me from childhood never to tell a lie. Here are the facts:

About the last of August, 1858, Mr. Morton B. Howell (Elder Howell’s son) came to see me at the store of Brother J. C. Darden; he introduced the subject of building a house for his father; he requested me to go and see his father on the subject immediately; he told me his father was anxious to see me. Before I had found it convenient to comply with his request he came to see me again, and insisted in stronger terms than before that I would go at once and see his father. For the want of time I still procrastinated. The young man approached me the *third* time on the subject, in the office of A. B. Shankland; he urged me to go and see his father *right then*; said his father was *waiting* for me in his study, and was exceedingly anxious to see me—was all alone, etc. I went at once to the study of Dr. Howell; he received me kindly. Immediately after the usual salutation, he remarked that he supposed I had seen his son. I answered, “Yes.” He continued, “I expect he told you that I wanted to see you in reference to building me a house.” I told him he did. “Why,” said he, “I have no idea of building; I let the young man amuse himself in making plans and talking about them; but really I have no *notion* of building, at least not now, for two reasons:” First, he told me he had not sold his Richmond property: would have to do so before he could build. But this, said he, was a small difficulty compared with the other. He told me that he supposed I was aware that a difficulty existed between himself and Mr. Graves. He paused to request that the disclosures he was about to make should be *confidential*, the substance of which is embodied in the following certificate:

NASHVILLE, March 1st, 1859.

DEAR BROTHER GRAVES:—Since Dr. Howell denies the truth of Mr. Hendren’s certificate, I feel it my duty to tender you the following. About the 1st of Sep-

tember, 1858, in a conversation with Dr. Howell, he took occasion to say, that he and yourself could not remain in the same Church. He told me charges would soon be preferred against you, and that unless the final result was satisfactory to him, (referring to the contemplated trial,) he would not be the pastor of the First Church three months.

He spoke of you as a bad and dishonest man, one in whose veracity he had no confidence; and clearly intimated that you had defrauded subscribers to the Tennessee Publishing Society to the amount of fifteen hundred dollars.

Your brother in Christ,

JACOB O. WRIGHT.

Elder Howell must have *forgotten* the facts narrated above, as, also, the vulgar anecdote of the drop and its application; otherwise he surely would have told the truth, the whole truth, and nothing but the truth; he would have practiced what he teaches. He must have *forgotten*.

One thing, however, he has not forgotten, namely, the reference I made, during the conversation, to the worthless engine and the building of a house for Brother Marks. I referred to those business transactions after Elder Howell had told me his opinion of Brother Graves. Doubts, in regard to the veracity of those men, had sprung up in my mind. I had unbounded confidence in Elder Howell, and from what he told me, I feared Brother Graves was guilty of some monstrous crime; indeed, the Doctor assured me that such developments would be brought to light during the contemplated trial. Those business transactions came into my mind, and I spoke of them as affording me an opportunity of testing the men; if just men and Christians, they would share my losses; if not, otherwise. I surely did not complain to Elder Howell. How could I until I had settled with brethren Graves and Marks, and they had refused to do me justice? But I have since settled with them, and they have acted like *gentlemen and Christians*; every thing that justice and religion demands, they have done. I, therefore, withdraw whatever I may have said (if *any thing*) to Elder Howell calculated to cast reflections upon those men.

I may have said things to Elder Howell that I ought not to have said; for my sympathies, at the time of the conversation, were with him, and nothing but the most stubborn facts could have placed them elsewhere. When I saw the determination of my Church to expel Brother Graves, no matter how innocent—when I contrasted the conversation of Elder Howell, in his study, thirsting, as I thought, for revenge, with his assumed sorrow before his Church, during the trial, of being compelled by a sense of duty to appear against Brother Graves—when I saw the harsh, unchristian manner in which Brother Graves was treated—when I saw the advantages taken of him, I could not reconcile it with the teachings of Christ, therefore I could not submit to it. When I heard Mr. Hendren (whom I *believed had told the truth*) branded as a liar—when I heard the Moderator, who sat upon the trial, declare that Brother Graves was a bad man, and ought to have been turned out of the Church years since, and would have been if they could have got hold of any thing to turn him out on—I felt it my duty to tender Brother Graves my certificate. I may, perhaps, have done wrong in making a confidential conversation public; but love for truth, combined with a sense of duty, prompted me to do so.

And now, in conclusion, I would ask, have I wronged Elder Howell in my certificate? Had the facts, as now given, been embodied in my certificate, would Elder Howell have appeared in any better light before the Council? Do the facts show that I hunted up Elder Howell, sought him in his study to complain of Brother Graves? Does it not rather appear that I was decoyed to his study under false pretence?

I now submit the case to your readers, hoping they will compare the statements of Elder Howell with the facts presented by myself, and judge impartially between us. I hope I shall never again feel the necessity of writing as above. And now, may the Lord bless his children everywhere, and still the troubled waters of Zion; restore peace and harmony once more, is the prayer of your unworthy brother,

JACOB O. WRIGHT.

## THE ACTION OF CONCORD ASSOCIATION, AUGUST, 1859.

The Churches of Nashville belong to this Association. When the First Church, Nashville, was called, two letters were presented, one from the delegates of Elder Howell's party, and one from those of the Spring Street Church, which claimed to be the orderly portion of the First Church, and gave the reasons for having changed its name. The two letters were referred to a special committee of five to examine all the facts touching the case, and report on Monday.

On Monday afternoon they submitted the following Report :

## REPORT OF THE COMMITTEE.

The Committee to whom was referred the two letters purporting to be from the First Church in Nashville, respectfully report :

We see no reason why the action of this body should be at variance with the action of the General Association of Middle Tennessee and North Alabama in its decision against the majority, and in favor of the minority as the orderly and constitutional First Baptist Church, Nashville. Nor have we any fault to find with the judgment expressed by the Council convened in March last. That judgment, we think, was in accordance with the facts in the case.

That the New Testament law was violated in the arraignment of Elder J. R. Graves, we cannot for a moment entertain a doubt. The offences charged against him were evidently personal. It is in vain to say they were public; for a public offence, as well as a private one, may be personal. In all cases of personal offence among Church-members, the law of Christ, as laid down in the eighteenth chapter of Matthew, must be observed. Until this is done, no Church can, without involving itself in disorder, take cognizance of any such case. It is, therefore, manifest that the dominant party of the First Church, Nashville, became disorderly in practice when it arraigned Elder Graves in disregard of the law of Christ. It seems to us that the principles of common justice were greatly outraged in the failure of the Church to furnish Elder Graves with definite specifications.

Christian propriety, ordinary courtesy, and simple justice required that the prayer of the Protest of Elder Graves should be granted. That it was not granted is proof positive that those who voted against it were indisposed to do right. And the use made of the name of Elder R. Fuller, of Baltimore, after he, in legal phrase, entered a *nolle prosequi*, indicates the same thing. We are of opinion that Elder Graves made his Protest at the right stage of the proceedings against him, and when it was disregarded, he and the minority who acted with him were perfectly justifiable in withdrawing from the disorderly dominant party. We see not how they could have taken part in the trial, so-called, without acquiescing in what they knew to be a violation of the law of Christ. It was their duty to withdraw, and we recognize them to be what they claim in their letter to be—the orderly portion of what was the First Baptist Church, Nashville—while we consider the dominant majority as the disorderly portion of said Church, from which this Association should withhold its fellowship until said majority retraces its steps and rescinds its unscriptural acts.

In view of these facts and considerations, (and others might be named,) we recommend the adoption of the following resolutions :

1. *Resolved*, That the messengers of the orderly portion of what was the First Baptist Church, Nashville, are entitled to seats in this body.
2. *Resolved*, That as the Nashville minority have taken the name of the Spring

Street Baptist Church, (having resolved to build their house of worship on said street,) the Clerk so designate it in the minutes.

3. *Resolved*, That in view of the unscriptural proceedings against Elder J. R. Graves in connection with the fact that the misunderstanding between him and Elder Dawson of Georgia has been amicably and honorably settled, (Elder Dawson admitting that Elder Graves was justifiable in entertaining the view he expressed before he heard the explanations made at the time of the settlement,) and in view of the additional fact that Mr. Tustin has openly proved by his recent action that he was never slandered by Elder Graves in being termed an unsound Baptist, it does seem to us that justice, honor, and religion require the disorderly dominant party at Nashville to retrace its steps, and modify its records.

4. *Resolved*, That as we earnestly desire an adjustment of Nashville differences, it would be exceedingly gratifying to this body for the dominant party at Nashville to correct the disorder into which it has fallen, so that peace may be restored to our Zion.

5. *Resolved*, That while it may not be expedient for the two parties at Nashville to be united again in one organization, we would heartily rejoice for such a state of things to be brought about as will enable them to act harmoniously in the denomination, each being recognized as an independent Church.

6. *Resolved*, That the Clerk of this body be requested to furnish the dominant majority at Nashville with a copy of this Report.

J. M. PENDLETON,  
E. W. HAILE,  
JOHN BOND,  
R. R. BARTON,  
E. D. STEPHENSON.

Elder Howell's delegates demanded the *right* to make speeches. It was decided that the messengers from neither body had the *right* to speak. They had been requested to do so before the Committee, and would not. On motion, one hour was granted to the messengers from Elder Howell's party, to be occupied by one or both. This offer was declined, for politic reasons, doubtless.

The vote was taken by *ayes* and *noes*, and stood as follows :

*Ayes*—R. R. Barton, W. S. Estes, E. D. Stephenson, H. R. Buchanan, J. S. Hiitt, A. Sperry, H. Carver, W. B. Jennings, T. W. Davis, J. J. Martin, J. C. Hood, John Bond, J. W. Edwards, W. T. Cartwright, E. W. Vaughn, W. Green, R. W. H. Wallace, N. Owen, E. W. Haile, W. Greer, John Sanders, W. M. Sanders, N. M. Green, S. T. Alsop, J. F. Davis, J. C. Laniers, J. Johnson, J. H. Baird, J. M. Pendleton, N. Lowe, R. Bryson, C. B. Idom, Bro. Neal, N. B. Read, W. B. Trenary, George Raynor, W. G. Blair, R. Head, R. Cunningham, J. A. Andrews, G. P. Sanders, and P. Melvin—42.

*Noes*—R. Ford—1.

This sheet and the spread "to the Friends of the Baptist Cause in Nashville" were attached to copies of pages 1-48 of "Both Sides" and distributed

DEAR BROTHER:

SUCH strenuous efforts are being put forth by Elder R. B. C. Howell and his party in this city, to prejudice the public mind by the most unwarrantable representations, against Elder J. R. Graves and against the orderly portion of the First Church, that, at the sacrifice of all that was dear to them except principle, resisted the successful execution of an unhallowed plot to ruin him as a minister and a Christian, that the Church has deemed it proper to publish a full account of the so-called "Trial" and Elder Graves's defence before the late Council. This pamphlet is but the first few pages of that document, and contains the introductory plea of Elder Graves's defence against all the matters charged. The document when completed will contain every word of the prosecution, *i. e.*, the charges, Church proceedings, proofs, and speeches of Elder Howell and the other prosecutors; together with the proceedings of the Council, and the defence of Elder Graves. It will be Both Sides.

These advance sheets are sent to you for your examination, since we learn that it is the design of Elder Howell and his party to use, if possible, the coming Biennial Convention for partisan purposes—to endorse him and his disorderly party in this city, and thus counteract the influence of the verdict and action of the General Association of Tennessee and North Alabama. The orderly Church in this city has no desire to distract the Convention by the introduction of this question. She deems each State competent to manage its own ecclesiastical affairs. It would be a daring act in the Biennial Convention to override the decision of the General Association or Local Association of any State, to pronounce any Church regular or in good order that had been almost unanimously disfellowshipped as disorderly by the General or District Association of a State. Will you aid in placing the Convention in this attitude before the denomination? Elder Howell and his party have nothing to lose but every thing to gain in the attempt to force the Convention to endorse his Church; while the Convention has every thing to lose—the support of the mass in the South-west if not in the entire South.

Our brethren east of the mountains will have it in their power to decide whether this Church difficulty shall be forced upon the Convention, as they will constitute the majority in that body. Is it asked, How can it be avoided? By receiving the delegates from Elder Howell's party as individuals, and not as delegates from a regular Baptist Church; and by refusing to elect a member of either Church as an officer of the Convention. This last feature is strongly advocated by the Mississippi Baptist, Texas Baptist, Western Recorder, and Tennessee Baptist.

By securing the Presidency of the Convention for Elder Howell, and the reelection of most of his male members as a Bible Board, they will claim that the Biennial Convention has reversed the decision of the General Association, and endorsed the disorderly party as "a regular Church in union with the Churches composing the Convention." According to Article IX., "All the officers, Boards, Missionaries, agents appointed by the Convention, or by any of its Boards, shall be members of some regular Church in union with the Churches composing this Convention." The Church with which Elder Howell is connected is not in union with the General Association of Tennessee and North Alabama, but was refused a seat at the last session.

There are brethren not involved in this difficulty whose election to the Presidency would harmonize the discordant elements of the Convention, while the election of either the prosecutor or the prosecuted would distract, if not divide it. If this affair is let alone, two years more may find it amicably settled. We submit our suggestions to your prayerful consideration.

We send you with this our plea for a little assistance in building us a house to worship in. If you think us deserving of sympathy, will you not pass the circular round among the brethren and receive their names and amounts, and forward the same to H. G. Scovel, by the last of May? If you do not feel disposed to do so, or have not the opportunity, will you do us the kindness to put the circular in the hands of some energetic brother who you think will act on our behalf?

The entire official documents containing Both Sides will be ready by the middle of May, and will be sold at cost. They will be sent by mail in quantities to equal any amount of money sent. *Copies bound in muslin for preservation will cost 25 cents extra.* Address, "GRAVES, MARKS & Co., Nashville, Tenn.,"

Deacons of Spring Street Church.

**PROPOSITION**  
FOR THE REPUBLICATION OF  
**Rare and Valuable English Works**  
AT HALF PRICE!

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**WALL'S HISTORY OF INFANT BAPTISM.**

Four volumes. Price of London edition, \$12 to \$15. We propose to issue the four volumes in two large royal octavo volumes for \$6. We will put it to press so soon as 1000 subscribers are obtained.

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Large quarto volume—very rare. Price in London \$6. We propose to put it to press so soon as we can receive 1000 subscribers, and sell it to cash subscribers at \$3.

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Rare—653 pages, quarto. Price in London \$6. We propose to put it to press so soon as we receive 1000 subscribers, and will sell it at \$3 00.

There are more than one thousand brethren who should have these rare denominational works in their libraries this year. Will they not encourage their publication, and thus contribute to the strength of our denominational defences? We propose to add \$1 to the subscription price for the standard price of these works.

Elder Joseph S. Baker, late editor of the *Georgia Index*, seeing our proposition to republish these works, says:

“Please enroll my name as one of the subscribers for the republication of *Wall's History of Infant Baptism* and *Robinson's Ecclesiastical Researches*, one copy each. If necessary to insure their republication, I would subscribe for more. Every Baptist minister ought to have a copy of both, if able to obtain them. Indeed, it would be well for every Baptist Church to secure a copy of each, to be preserved for reference by their pastors and others.”

No Baptist minister should be without *Wall's History*. The battle is to be fought again upon immersion, and there is no authority more conclusive than *Wall*. He being a Pedobaptist, and his work acknowledged as a standard and authoritative work by all our opposers, *Wall's History* is indispensable. We should be glad to receive sufficient encouragement this present spring to justify us in putting the work to press forthwith. The one thousand subscribers will get the work cheaper than those who do not subscribe—and it is right they should. All who intend to take *Wall* will please send in their names in the months of April or May, that it may go to type forthwith.

**PREMIUMS.**

Any one procuring five subscribers to *Wall* and \$30, shall be entitled to a set *gratis*. So of each of the other works. Any one procuring one subscriber to *Wall* and to either one of the other works, shall receive a copy of the *Southern Baptist Review*, or *Tennessee Baptist*, for one year.

**LIBRARY EDITION OF ORCHARD'S HISTORIES,**

VOL. I.

**HISTORY OF FOREIGN BAPTISTS, (Enlarged.) Price \$1.**

VOL. II.

**HISTORY OF ENGLISH BAPTISTS. (Valuable.) Price \$1.**

Address, GRAVES, MARKS & Co., Nashville, Tenn.

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Third block of faint, illegible text in the lower middle section of the page.

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# TO THE FRIENDS OF THE BAPTIST CAUSE IN NASHVILLE.

DEAR BROTHER IN CHRIST:

God, in his providence—mysterious, indeed, to us, and, but a few months since, how unexpected!—has constrained us to appeal to you for Christian sympathy and assistance in this our "time of sore need."

The events to which we refer are, doubtless, well understood by you. If any thing is dear to us as Christians, it is the principles we, as Baptists, have professed before the world, and the honor of our blessed Savior, as King and Lawgiver in his Church. When, therefore, the dominant majority of that Church, which we, at so great a sacrifice, aided to build up, and for which we have so long prayed and toiled, and in which some of us have spent most of our Christian life, arraigned one of our members, in open and flagrant violation of the laws of Christ, and arraigned him too for the determined purpose of expelling him, irrespective of his guilt or innocence, as we think the facts developed before the recent Council will abundantly show, we felt it our solemn and conscientious duty as Christians and as Baptists to oppose such unscriptural proceedings, and to arrest that so-called trial, and influence the majority, so far as lay in our power, to observe the order of the gospel, at least, in the case.

When the earnest prayer of our protest, that we united with the brother to present, was rejected, and the vote taken to proceed with a prosecution that was in violation of all law, civil and ecclesiastical, known to us, we again begged to read before the Church a declaration of our dissent and—should the majority after all our arguments and entreaties determine to go forward—our open withdrawal from them, as disorderly. But even this was denied us. What could we do? Believing a constitutional minority in all cases the Church, and a disorderly majority, however large, wrong, and its acts to be resisted, and if in vain, to be withdrawn from, we did after the proceedings of the night of the 12th October, formally withdraw from that disorderly majority, and declare our rigid adherence to the faith and order upon which we were originally constituted, claiming our prerogative to be considered the orderly and orthodox portion of the First Baptist Church of Nashville.

The General Association of Tennessee and North Alabama, by vote of 166 to 21, recognized us as the First Baptist Church, and rejected the majority. The largest Council ever convened, perhaps, in the South, composed of messengers sent by nearly every Church composing Concord Association, convened in Nashville on the first of March, and examined patiently and impartially into all the charges alleged against the Brother, with the proofs, together with the defence, submitted by the Brother, and unanimously pronounced him innocent of guilt or blame, and also declared that the proof was overwhelming, that a foul plot had been laid to destroy him, before the existence of the thin pretexts upon which they grounded their action. By that Council we were recognized as an orderly and orthodox Baptist Church. We state these facts to meet the widely circulated report that we are not a Church, and are without Church authority, and not entitled to fellowship as a Church by Baptist Churches in Tennessee or the South. The claims and authority of no Church in Tennessee were ever more fully and publicly recognized and indorsed.

We, therefore, as a little Church thus providentially called to stand forth to witness for Christ, feel it our duty to maintain our organization, and the worship and ordinances of the gospel in this city. This, of course, we cannot do without a house to worship in. If it is thought we might unite with some other Baptist Church, we reply, the only orderly Church in the City is the Cherry Street Church, in South Nashville—far removed from all but one or two of our members, and our wives and children would thus be deprived of religious privileges. To build a commodious house in a central portion of the City, where lots at all suited cost from \$200 to \$250 per foot, and the additional expense of building, seems indeed, a herculean undertaking by a feeble band of Baptists, whom, of all people in the world, Christians of other names are the least inclined to help. We have prayed much over the subject, and deliberated maturely what our duty was. Our numbers have steadily increased, our congregations are larger than our accommodations, and above all the presence of the Lord is felt in nearly all of our meetings. When the question was propounded, shall we build a House of God? one brother rose after another, and stated that he felt the honor of the Savior was concerned in this matter, and pledged one half of all he could make yearly, another, all he could make after simply feeding and clothing his family, etc. Such an expression could not be misconstrued, and it was resolved to purchase an eligible lot at once, and build so soon as God in his providence might enable us to do so.

The Committee appointed, with the approbation of the Church, have contracted for a lot on the highest part of Spring Street, nearly in front of Mr. Polk's residence. The lot, alone, will cost us, with interest, some \$10,000. This is, indeed, a large sum, but we have sought in vain for an eligible site at less cost. We could not purchase cheaper, without going into the outskirts of the City, remote from our families, and where we would not be visited by our brethren when they came to the City.

This sum, large as it is, we have resolved to raise among ourselves and from our friends in the City and this we can do within the years stipulated for its payment. But what shall we do for a house to worship in during these years? And after having exhausted our ability in the purchase of a lot, how can we, unaided, pay for the erecting of a house? These were discouraging questions. None except those who have been similarly circumstanced can know their oppressive weight. While we have been trying to answer them to our relief, God put

it in the hearts of brethren in other States to suggest the plan, which we believe in our hearts will succeed, and relieve us at once. A brother writing from Lowndes County, Ala., says:

"I see it is your intention to build a house of worship for the First Baptist Church, etc. You will please accept the inclosed \$10 from my father-in-law. I expect soon to be able to assist the Church by sending you some small amounts, if only ten or fifty dollars for the same object. I assure you, sir, I will do all in my power to raise funds to assist you in the building of a house of worship in your City. I know others who will assist you."

A Brother in Missouri, under date of Dec. 16, in a P. S. adds:

"When you open your subscription books for that new meeting-house in Nashville, open a dollar list, that your poor brethren may have the privilege of putting a brick in the house. I believe it could be built by dollar subscriptions from your hosts of friends. They could inclose you clubs by check, of a dollar each, and you could acknowledge them through the paper, and the moral effect of having it built up by aid throughout the land, would be tremendous."

We most cordially adopt those kind suggestions, and with earnest prayer commit the whole question, whether we can have a house the present year, or not for years and years to come, to the Christian liberality of our brethren throughout the length and breadth of the land. A trifle from each, that would not be missed, promptly sent up will save the cause in this City in this crisis. We plead no claims upon you, except your warm and active sympathy for what we have unrighteously suffered as the representatives of those principles which we regard as the ancient landmarks of our faith and practice, to effectually crush out which, in this City, we must regard as the motive that prompted the late violent action. We believe you love them, and sympathize with those who are called to suffer for them. Will you, then, dear Brother, aid in planting the Church in the centre of Nashville, upon these primitive principles for which so much martyr blood has been shed? Shall not a Baptist standard be erected in the heart of this great City, around which a band—and by the blessing of God, ere long—a numerous and powerful band of devoted Baptists shall gather to witness for the truth as it is in Jesus, careless of the world's favor, and fearless of its frowns, the throbbing of whose every pulse shall be the full beat of a loyal Baptist heart? Situated as we are in this City, with some of the most important interests of the denomination committed to our care, with the divine blessing, may you not, however far removed from us, be benefited by our prosperity as a Church, and our welfare as Baptists? It was one of the delightful charities of the Apostolic Churches to contribute to the necessities of the poor saints in Jerusalem, who were called to suffer losses from persecution in that City. May we not hope that this primitive example may influence you to aid us in our present necessity?

Moved by this, our confidence in your love of Baptist principles and kind feeling toward us, we send you this appeal for aid, to ask you to aid us as you may feel to do cheerfully, and use your influence in your Church and neighborhood, to get your brethren and neighbors to subscribe a small sum, and so soon as you have secured all you can, forward the names and amount to H. G. Scovel, the Treasurer of the Church, who will acknowledge the same in the Tennessee Baptist.

If each brother to whom we send this Circular, will raise ten dollars, we can build the house the present summer. If he cannot secure ten, if he can only five dollars, we will be thankful indeed for that, for we can put up the walls and prepare the basement room for a Sabbath School and preaching the coming winter. But even one dollar from each will assist us greatly, and it will be gratefully acknowledged. We leave our petition with you, to treat as you may find it in your heart to do, affectionately requesting you to return it with whatever you may give yourself, and collect from others during the month of May next, for if you enable us to build this year, we must needs begin at once.

The sisters request that this appeal for assistance be presented in their names to every sister in the Church, confident that they will delight to aid a little.

Praying God to bless you, we subscribe ourselves,

Your Brethren in Christ,

A. WRIGHT,  
M. WRIGHT,  
A. B. SHANKLAND, } Deacons; Spring Street  
H. G. SCOVEL, } Baptist Church, Nashville.  
E. F. P. POOL.

P. S. Some may probably ask, why we do not take the old house, if we are the acknowledged Church? We answer, last April, the First Baptist Church was incorporated by the Legislature, and the property conveyed to trustees to hold for the Church; and in law the majority, however disorderly, holds the property; and that incorporated First Church could legally possess itself of any property we might purchase in the name of the First Baptist Church of Nashville, and sue us for any money you might send us directed to the First Baptist Church of Nashville. They have this legal advantage of us, and therefore, since the name of the First Baptist Church has become odious in the eyes of the world by their act, we have, by a formal vote of the Church, changed the name of the Church to that of the street, and purchased the lot in the name of the Spring Street Baptist Church, Nashville, Tennessee. Those at all acquainted with the law will say that we have acted prudently in this, while we concede nothing but a dishonored name.

SUBSCRIPTIONS FOR BUILDING A HOUSE OF WORSHIP FOR THE SPRING STREET BAPTIST CHURCH, IN THE CITY OF NASHVILLE, TENN.

(As soon as you have obtained all that you can, please return this circular, with the amount contributed, to H. G. Scovel, Nashville, Tenn.)

SUBSCRIBERS' NAMES.

POST OFFICE ADDRESS.

AMOUNT

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AMOUNT