

**REPORT OF THE TRIAL OF THE REV.
DAVID BRIGHAM, BEFORE REFEREES,
CHARGED BY THE TRUSTEES OF
FRAMINGHAM ACADEMY WITH
FALSEHOOD AND DUPLICITY**

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Report of the Trial of the Rev. David Brigham, Before Referees, Charged by the Trustees of Framingham Academy with falsehood and Duplicity by Various

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VARIOUS

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DAVID BRIGHAM, BEFORE REFEREES,
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R E P O R T
OF
T H E T R I A L
OF THE
REV. DAVID BRIGHAM,
BEFORE REFEREES,
CHARGED BY THE TRUSTEES OF
FRAMINGHAM ACADEMY
WITH
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REPORT OF THE TRIAL
OF THE
REV. DAVID BRIGHAM,
PASTOR OF THE FIRST CONGREGATIONAL CHURCH
IN FRAMINGHAM.

REFEREES :

JUDGE STRONG, of *Leominster*,
HON. WM. JACKSON, of *Newton*,
HON. EZRA MUDGE, of *Boston*.

COUNSEL FOR THE COMPLAINANTS,
CHARLES ALLEN, Esq., of *Worcester*, and
EDWARD MELLEN, Esq., of *Wayland*.

FOR THE DEFENDANT,
PLINY MERRICK, Esq., of *Worcester*, and
WM. J. HUBBARD, Esq., of *Boston*.

Mr. Mellen opened the case for the Complainants in a clear and forcible manner, illustrating as he proceeded, the nature of the aggravated charges preferred against Mr. Brigham. The Complainants allege in unequivocal terms that the Rev. David Brigham, Pastor of the First Congregational Church in Framingham, has been guilty of *falsehood* and *duplicity*,—that on the second day of June last past, the said Brigham held a confidential conversation with one Rufus T. King, a member of his own Church, and then Preceptor of Framingham Academy,—that in that conversation, the said Brigham told the said King in reply to his inquiry, if the Board of Trustees of the Academy were sectarian, that the Board “ would do all they could to *discourage* and *dishearten* him, and discharge or remove him at the end of the year,”—that repeatedly, the said Brigham expressed himself favorable to the continuance of the said King in the Academy, and gave the said King to understand that he

would act as his friend when the question of his re-engagement came up in the Board,—that on the 16th day of July following, the said Brigham, at a meeting of the Board of Trustees of the Academy, did, as a member of the Board, use all his influence to procure the removal of the said King,—that subsequently, in company with Mrs. Betsey Stone and Miss Emeline J. Stone, at the house of the said Mrs. Stone, the said Brigham did positively and unequivocally deny that he, the said Brigham, used his influence at the meeting of the Board of Trustees to procure the discharge of the said King,—that the said Brigham did positively declare to the said Emeline J. Stone, who is the betrothed of the said Rufus T. King, that he, the said Brigham, did not say a single word in the meeting of the Board against the re-engagement of said King, whereas it is notoriously true, that in common with the rest of the Trustees, the said Brigham did use his influence and speech against the said King,—that at a subsequent meeting of the Board of Trustees, the said Brigham in presence of the said King, did positively deny, in contradiction of the positive statements of the said King and Betsey and Emeline J. Stone, that he, the said Brigham, had ever told the said King, that the Trustees “ would do all they could to discourage and dishearten him, and discharge him at the end of the year,” and that the said Brigham, at the said meetings, has always denied, that he ever had a conversation with Mrs. Betsey and Miss Emeline J. Stone, of the character represented by them, but positively affirms that it was precisely the reverse,—whereas the said Trustees of Framingham Academy, to relieve themselves from the imputation of falsehood, have instituted these charges, and agreement is made upon a mutual reference to three impartial men, where each party implicated, may testify in the case.

Rev. Wm. Barry, sworn.—Am a member of the Board of Trustees of Framingham Academy, and also a member, with Messrs. Sanger and Adams, of a Committee to employ teachers. Rufus T. King was Preceptor of the Academy in 1836. On the 14th of July the Committee had a meeting to consult upon the expediency of re-engaging Mr. King, after the time had expired for which he was engaged. In consequence of Mr. King's ill health, and the great decrease of the school since he had been in it, the Committee agreed unanimously not to re-employ him. Not being willing to act in this matter independently of the rest of the Board, a meeting of the whole Board was called on the 16th of July. Mr Brigham's opinion upon this subject was especially wanted, because Mr. King was a member of his Church. At this meeting the Committee reported that, on account of Mr. King's ill health and the great diminution of the school, it was in their opinion not best to retain him. Confidence was

expressed in his ability, talents and integrity. The examinations of his school referred to, as illustrations of this, yet the Committee were unanimous against him, but thought best to submit the matter to the Board and be governed by its decision. Present all the members of the Board except Messrs. Edgell and Sanger. After the Report of the Committee was read, Mr. Brigham inquired if the contract with Mr. King extended beyond the year. Was told it did not. He did not dissent from the Report. It was then proposed that the opinions of the Board should be expressed individually upon the subject of Mr. King's removal. Mr. Brigham expressed his opinion the next or next but one after the Chairman. He said he had considered Mr. King a good scholar, and that he had been diligent and faithful, and imputed the smallness of the School to ill health,—that through its influence he failed in management. He remarked that the scholars did not seem to be attached to him—that he was not "*comestable*," and thought he was not the man to make the school flourishing and prosperous. He at this time, alluded to Miss Stone, Mr. King's assistant; and remarked that, although her education might be sufficient for the place, her manners were not such as should be imitated by young ladies. The rest of the Board gave an opinion individually with their reasons, all in concurrence with Mr. Brigham's.

After this general expression of opinion, Mr. Brigham remarked that he hoped the decision would be communicated to Mr. King, so as to save his feelings as much as possible.—In company with Mr. Josiah Adams, I saw Mr. King the same day, and informed him of the decision of the Board, and told him it was mainly on account of his ill health. He appeared much surprised. Allusion was made by us to the great decrease of the school. He replied that many families in Mr. Brigham's Society did not send, because it was expected that he would not remain longer than that year. Said he thought the decision was influenced by *Sectarianism*. He said there was probably one cause of this to which all other causes might be traced, which was, that he belonged to Mr. Brigham's Church [orthodox]. We replied that it was unjust to assign such a reason, as it was not correct. Mr. King remarked that the decision was not unexpected, and that he was prepared for it, for said he, "one of your own Board has told me you would discourage and dishearten me and remove me at the end of the year." I replied that, with the exception of Messrs. Edgell and Sanger, who were absent, all the

members of the Board were in favor of your discharge. He replied that it was neither of them. I then asked if Mr. Brigham had made the remark, and he said he would not say it was him or deny it. The Committee informed him that his ill health and its consequent effects were the only reasons of his discharge.

The Annual meeting of the Board was holden on the 23d of August. The Committee then reported all the material facts which I have now related. Mr. Brigham was present at this meeting. After the Report was read, Mr. Brigham remarked that owing to his relation to Mr. King, it might be thought he had made the remark which Mr. King had imputed to some member of the Board,—said he had not seen Mr. King but little for several months, and that he had had but one conversation with him upon the Academy for six months, and that was soon after he, Mr. King, had joined his Church. He said at that interview, King asked him if he thought the Academy was sectarian,—that he replied he had heard so, but that since he had been a member of the Board he had seen nothing of that character. He disavowed having made the remark which Mr. King had imputed to a member of the Board,—that his language to King was of a different character and that the impression he gave King was favorable rather than otherwise. Expressed my satisfaction with his avowal. Mr. Brigham repeated his remarks again and said he had but little or no intercourse with Mr. King, and that it was impossible that he could have used such language,—said that he had not witnessed any doings of the Board of a sectarian character. He expressed no desire to see Mr. King upon the subject.

The next conversation was at an informal meeting of the Board, called and holden on the 3d of September, for the purpose of hearing letters read which had been received from Mr. King. [We ought here to say that the Committee of the Board had previously written to Mr. King requesting the name of the member who had said that "the Trustees would discourage and dishearten him and discharge him at the end of the year," and that these letters were in reply.] At this meeting, witness can't say precisely who was present. Mr. Brigham was there. The letters from Mr. King were read, in one of which the name of Mr. Brigham was disclosed as the author of the remark. Mr. Brigham positively denied ever having made the remark imputed to him. Allusion was made in the letters that Mr. Brigham had made the same statement in

a Mr. Stone's family. He, Mr. Brigham, said he had had a conversation with the Stone family, but it was exactly the reverse of what had been stated by King. At his own suggestion, Mr. King was called in at the meeting of the Board. Reference was made to the remark about discouraging and disheartening; Mr. Brigham said there must be some mistake about it,—King said there could be no mistake, he recollected the time and circumstances,—that it was in Mr. Brigham's study, on the last Saturday afternoon of his last vacation (2d June), and that he could repeat other remarks made at the time if Mr. Brigham wished it,—that he could not be mistaken. Mr. B. here made no reply. King said that he repeated the conversation to his sister within one hour after it was had, and that she remembered it fully. Mr. Brigham then asked if he might not have been misunderstood, and said there was a remarkable misunderstanding. King said it might be possible but still it was morally certain that he had made the remark imputed to him,—said his recollection was clear and distinct upon the subject, and that he should state nothing but what he knew to be true,—was as sure that Brigham made the remark, as that he was there,—said he could have no possible motive to misrepresent it. Mr. Brigham here asked King if he did not recollect that he had told him that the Academy was not sectarian. King said he did not, that the language was entirely different. Brigham expressed no wish to hear the other remarks which King said he had made at the interview. The whole proceedings of the Board in relation to King's discharge were then related and Brigham still positively denied having made the remark to King that "the Trustees would discourage and dishearten him and discharge him at the end of the year."

I asked Mr. Brigham whether in his communication with the Stone family, he intended to convey the impression that he acted with the Board in discharging Mr. King. He said he did, and could not see how he could have been misunderstood. Mr. King remarked that his impression was otherwise, and that upon hearing the statement of Mrs. Stone and her daughter, he had been greatly relieved, inasmuch as they exonerated Mr. Brigham from having acted with the Board in their decision against him. Mr. Brigham appeared surprised that there should be such a misunderstanding between him and Mr. King. The meeting of Board was in the morning. In the afternoon there was to be a meeting, which had been adjourned from the annual meeting, and it was remark-