# GENERAL ASSEMBLY.

#### SESSION OF 1866.

### THIRD DAY.

### SATURDAY MORNING, MAY 19.

During the morning prayer-meeting, re marks of unusual interest were made by Dr. J. R. Paul and Hon. E. A. Lambert. The former called upon the Church to pray and work—especially to pray and work, yes work for the two and a half million of blacks in the South between the ages of filteen and twentyfive, and the four millions of whites in the same region, and between the same ages, in the educational and spiritual training of all of whom so much of the future is bound up. Mr. Lambert mentioned some incidents in the great revival in Dr. Cuyler's church, Brooklyn, which illustrates the power of faithful and wayside labor with individuals.

On the resumption of business, an invitation came in from the President of the Iron Mountain Railroad, tendering to the Assem-bly a free excursion to the Iron Mountain and Pilot Knob, nearly a hundred miles in the interior. The invitation was accepted, and the thanks of the Assembly returned.

Rev. W. E. Knox-I have been requested by a member of the Assembly of the Old School (not officially) to suggest that a committee of conference with reference to joint religious services be appointed by this Assembly to meet a similar committee to be appointed by that Assembly.

Dr. Booth objected to this Assembly taking the initiative step in the matter. We had done so once and nothing came of it.

Rov. Mr. Knox stated that it was desired that the committee should be appointed this morning that a joint meeting might be held to-morrow.

The Moderator-I have just been informed that the other Assembly has appointed such a committee.

given.

dient.

Mr. Booth-Let us wait until there is some official notice given to us from that body. Mr: Knox's motion was withdrawn by con-

sent of the Assembly. The Stated Clerk presented a proposal from the O. S. Assembly, now sitting in the Second Presbyterian Church, that this Assembly should appoint a committee to act conjointly with one already appointed by themselved—viz.: Rev. Thomas E. Thomas, D.D., N. West, D.D., Rev. C. E. Robinson, and Ruling Elders A. E. Chamberlain and Lucien B. Wells—to arrange for joint devotional exercises during the next week. The proposal was cordially acceded to, and Rev. W. E. Knox, D.D., Rev. W. T. Curtis, D.D., and Ruling Elder John A. Foot, were ap-

pointed on the part of this Assembly. The Report of the Ministerial Relief Fund Permanent Committee was read by Rev. Dr. Butler. It will appear in another place.

Overtures from the Presbyteries of Newark and Cincinnati, on the subject of publications in the German language for our Germanspeaking churches, were referred to the tanding Committee on Publication, and the Commissioners from said Presbyteries were directed to conter personally with said Committee.

DISCIPLINE IN CASES OF CONTUMACY. Hon. Joseph Allison, of special committee, to whom was referred overture No. 14, which

the case, and in the citations, but notice of is as follows: taking testimony is a different matter. Sep-" To the General Assembly of the Presbyteri-

arate notice of that is generally given in all judicial proceedings. Its design is to give a party an opportunity to cross examine the an Church, now in session in the city of Brooklyn, N. Y. :

"The undersigned respectfully submit to the General Assembly, the following overture,

viz.: "When the judiciary have proceeded, in accordance with Chapter IV. Section 13 of the Book of Discipline, to take the testimony default of appearance is not authorized, it is proper that the accused should have special notice of taking the testimony, though he in the case of an accused person, may they proceed to pass judgment thereon as if he were present, or shall he be left simply under may refuse to appear in answer to the citavers present, or shan no consure for contumacy? "H. W. WILLIAMS, "E. E. ADAMS, "ARCH." tion. In fact, however, notice that the testimony will be taken is notice that the judicatory will go on with the trial, for taking tes-

timony is a part of the trial, its first stage. "DANIEL MARCH." Undue infernces are therefore drawn from made the following report :

The question thus presented is exclusively

lateral offence vindicates the law against another and possibly much greater crime. If, therefore, the defined ends of discipline are to be secured, a Church session must have power to proceed to trial and judgment, though the accused person refuse to obey the citations duly served upon him, and it is not to be concluded without clear evidence not to be concluded without clear evidence that means to secure those ends are inade-quate. When the meaning of the language used in the fourth chapter is sought, the best of civil law and equity, and such Courts go further. They construe a refusal to obey guide to it will be found in the paramount process requiring an appearance as a substanntention the language was designed to subtial confession of the complaint, and they render judgment accordingly. It is true State Courts, having criminal jurisdiction, serve. The directions given must be con-strued consistently with that intention, to further, rather than defeat it. Looking then do not try persons for crimes and misdemea-nors in their absence. This is for two reato the sections of the fourth chapter, and regarding them as part of a system designed sons. They have power to compel attendance, which ecclesiastical Courts have not, for the purpose above mentioned, to be inand the puishments they inflict affect the terpreted to as to harmonize with those purlife, the liberty or the property of the con-vieted criminal. In fact, they concern the poses as well as with each other, the conclusion seems inevitable that whenever an acculife or the liberty of the accused, for even if sation has been made against a church memthe penalty be only 2 fine, its payment is usually enforced by detention in custody until ber, and a church judicatory has entered judicially upon its consideration, and obtained satisfaction be made. But ecclesiastical triurisdiction by service or citations upon him, bunals can pronounce no judgment that touches either the life, the liberty or the pro-perty of the accused. Their sentences are it may go on to final judgment, though he refused to obey the citations. It is observable that the entire fourth chapter is but an outline of process. It does not undertake to peculiar. Indeed, it is asserting a false anaprescribe minutely each step that may be logy to assimilate a trial before a church ses-sion to an indictment and trial in a Criminal taken. It does not even expressly authorize a judicatory to proceed in trial in any case. Court. It bears a much stronger resemblance o proceedings very common in Courts of law It rather assumes that having taken judicial cognizance of the proceeding the tribunal will in which members of associations or corporago to trial and judgment. Like a writ of summons in a civil court, the citation is notice tions are called upon to respond for some alleged breach of corporate duty, for which that the judicatory has assumed jurisdiction they are liable to be punished by the imposiof the case, and that it will proceed to its tion of penalties, or by a motion from mem final determination. When that notice has bership. In such cases when the person summoned refuses to obey the mandate of been given, as prescribed, it is contemplated rather than expressly required, that witnesses will be examined, that a trial will be prothe writ, Courts proceed at once to dispose of his case and render final judgment. No one ceeded with, and that a judgment will be ever supposed that by so doing injustice was done, or that any right of the accused was It would be a rash conclusion from the abinvaded. Much less can he complain who sence of a specific grant of these powers, to deny any right to take testimony, to try and

has been cited to answer an accusation taken into judicial cognizance by a church judicao give judgment. The powers are not only tory, and who has contumaciously refused to obey the citation, if the tribunal proceed to to be implied, but they are comprehensively given by the general, provision of the first section, that "the judicatory shall judicially try the case, presuming nothing against him but contumacy from his own refusal, but founding its jadgment solely upon the testitake the offence into consideration, when all other means of removing it have failed," and mony of witnesses. This objection, therethey are included also in the direction to fore, when examined, seems to be without ssue citations. Nor is there any substantial substance. distinction made between cases in which the In conclusion, it remains only to recomaccused yields obedience to the citations, and mend, as the opinion of the committee, that those in which he is contumaciously disobe-

the overture be answered by a declaration of the Assembly, that in the case proposed, the judicatory may proceed to trial and final judgment, as if the accused was present. accompanied with a notice that, if the person

### SAMUEL W. FISHER, W. STRONG, JOSEPH ALLISON. THOMAS BRAINERD.

cited does not appear at the time appointed, the judicatory, 'besides censuring him for his contumacy, will, after assigning some person to manage his defence, proceed to take the testimony in his case, as if he were The report was accepted and ordered put upon the docket.

#### STATE OF THE COUNTRY.

was intended that the judicatory might pro-Dr. H. B. Smith-There is one subject ceed in such a case to the final judgment, why was not notice required that they would upon which the Assembly has always apthus proceed? Why limit the notice to taking pointed a committee of late years, and that is, "On the State of the Country." We testimony? These questions are easily an swered. A notice that the judicatory will have passed through the state of war, and proceed to trial and decision would be unnecome to the state of peace, but are still in cessary and superfluous. It has already been the midst of difficult questions, which seem given in the assumption of jurisdiction over to demand some expression of opinion from ecclesiastical bodies. I have been expecting a motion to this effect from some other member of the Assembly, but none having been made I now move that a special committee be appointed On the State of the Country. witnesses produced against him. And, as the judgment in all ecclesiastical courts must I make the suggestion that the oldest and most venerated member of this Assembly, be founded upon evidence, as a judgment for Dr. Beman, be appointed chairman of this committee.

A member, whose name we failed to obtain, objected to the proposal. Our testi-mony is on record; it is full and unequivocal: Why repeat it? Besides, it will be past the wisdom of the Assembly to find out what is the state of the country; at least, if we can the freedmen, chiefly in Tennessee and Missisdo it we shall be wiser than the politicians, the President, or the Congress. Further, an the form of the notice: it is supposed to in- | utterance from us, in the present emergency, dicate that the proceedings are to stay, when | would rather imperil tranquility than tend to | students and six hundred and fifty-nine con-

While he may not be tried for an alleged he would be, if he was in the position that I offence without having an opportunity to be am in. I remember in a town, one near heard, he has no just cause to complain of a where I live, was an old woman, whose hus-trial to which he has been summoned by a band was Justice of the Peace. Her hustribunal having jurisdiction, and which he band had the house painted green, and she has persistently refused to attend. In such a once said that she sat sometimes a whole day case, it is he who has thrown away his own rights. They are not taken from him. This is a principle universally recognized in Courts for the the thrown the thrown away his own recommendation of the three terms are not taken from the terms are not taken from take her was the same as the trouble with the President. It wasn't strange that he shouldn't think of his being President for a whole day. or that the old lady should forget about the green house, but the unfortunate thing was that he should have mentioned it, and that there should have been a correspondent of the London Times green enough to have reported it.

The motion prevailed, and the Moderator announced the Committe on the State of the Country as follows:--Rev. N. S. S. Beman, D.D., Rev. H. B. Smith, D.D., Rev. W Hogarth, D. D., Rev. Henry Fowler, D.D., Foor Joseph Allison, Hon. F. V. Chamber-ext. Hon. T. P. Handy. Rev. T J. Shepherd, of the Committee on ell, Rend Overtures, reported back certain

i) is, with recommendation that they be rearred to the appropriate committees, which action was accordingly taken.

The hours for the meeting of various com-mittees were announced, and the Assembly adjourned until Monday.

## FOURTH DAY.

MONDAY, May 21.

MORNING SESSION. On motion of Rev. Lucius J. Root, re ports from the Committee on Synodical Records was made the first order of business for the afternoon.

Rev. Mr. Kellogg, from the committee ap pointed to consider the invitation of S. D. Barlow, Esq., President of the St. Louis and Iron Mountain Railroad, tendering the use of a train of cars for an excursion to Iron Mountain and Pilot Knob, reported and recommended that Thursday next be set apart as the day for the excursion. After some discussion, and suggestions as to other days, the report of the committee fixing Thursday was adopted.

Members of the Assembly desiring to go on the excursion were requested to enter their names and the names of their hosts, so that the Presidentiof the Railroad Company might know how many cars to provide.

Rev. Henry B. Smith, D.D., moved that the communication from Rev. Dr. McCosh representative from the Prebyterian Church of Ireland, be received, and that the Assembly appoint to-morrow morning, at 11 A. M., to hear the communication.

RECEPTION OF DR. HARPER.

On motion of Rev. Dr. Shaw, Rev. Dr. Harper, representative of the United Pres byterian Church of North America, was in vited to address the Assembly. Dr. Harper, after a few preliminary re-

marks; said: We are children of the same King, and heirs of the same glory, therefore I do feel that in speaking to you I am speaking to

brothers in Christ. Perhaps it may be proper for me at the outset to read to you some statistics which l have prepared, from which you may gain something in regard to the Church which I represent. The United Presbyterian Church had its existence in the Associated Reformed Presbyterian Church, in this country, in 1858. and in all matters of faith, government and practice we are closely identified with the larger bodies of the Presbyterian Church of this country. We have fifty-one Presbyter-ies, seven Synods, and one General Assembly, constituted like your own, of delegates sippi. We have four theological seminaries, five hundred and sixteen ordained ministers. seventy licentiates, and ninety one theological we have prominent Boards -the Board of Home Missions, the Board of Foreign Missions, Publication, Church Ex-tension, Education, and of Theology. We have three religious weekly papers and one monthly. We have raised for all the Boards \$187,000. With regard to the work which We have raised for all the Boards we are doing, it may be proper, Mr. Modera tor, for me to state to the Assembly that that portion of the Church which I represent feels that the great work of the Church of God in this country and in foreign countries is missionary labor, and to subserve the great principles of the Bible and truth. Never was the world so accessible as now-never were there so many facilities presented to the Church for doing good as at this day—never did the Great Head of the Church call us so loudly as he now calls us, to engage in this great work. We feel, therefore, that it is the special work of the Church; and so feeling, we are endeavoring to concentrate our energies to forward it in this country and in foreign lands. We feel, too, Christian brethren, that for the furtherance of this work it is very desira co-operation among all the followers of Christ. We desire, therefore, increased unity of the Church of God. It seems to us especially becoming to our principles that we should se desire, because our existence as a Church i the result of union. We feel how happy it is, for such as are brethren, to dwell together Britain and in this country to bring together the different members of the Church of God ; and we pray God to speed the day when all these different branches of the Church of the living God shall be one in form as they are one in fact. Brethren, let me speak with you on this subject freely. It is a subject which hurtful and that they are retarding the progress of the Church of God and the conver-sion of the world. These things are generally admitted ; but after all, how little do we eel it-how little do we feel in our very souls that these divisions of the Church of God are shamefully wicked, and that they are dishon oring to God and that they are retarding the conversion of the world. conversion of the world. Oh, we do not realize it, or we would labor for increased unity, pray more for it than we do; but in the way of unity, at least with the great is in the selfishness of our hearts. I have often noticed in the army that, when regi ments were to be consolidated, the difficulty in finding places for the colonels, the majors, and the captains; so I think it is, to a very there is another fact-we are disposed to look the neglect of weightier matters. Brethren. our Saviour prayed that we might be one. and this should be our feeling.

ing to hold that a penalty inflicted for a col- may not deny himself his plainest rights. him so much, that he was not exactly the man saving souls for Christ; and; above all, let now opening to that efficient and worthy some say, we desire to render to you thanks, ciety; that is to say, in Brazil, South America. Christian brethren, for that noble, manly po- The Assembly will follow with its most earnest sition which you have taken as a Church on supplications every messenger of our Church the great question of human freedom. (Ap- who shall go forth at the call of the Union, to plause.) Your action has been no uncertain bear the Gospel, whether to Mexico, to the sound ; your voice has been clearly marked Southern continent, or to the lands that invite and well understood in this land in the hour of our national conflict, when others have been unfaithful. I have to thank God that the adoption of the following order, to wit: you have stood up as a Church under the That it be earnestly enjoined upon all the you have stood up as a Church under the banner which now decorates your pulpit here Synods, Presbyteries, Sessions and Congre-to day, and that you have stood up truly under gations connected with this Assembly, that

Brethren, let me say to you that, though that banner has been drenched with the blood of thousands of our best sons, and has been in all the conflicts in every great battle, and has been victorious, so may it be in the great battle to be fought by the pulpit and the press of the land; and I trust that as you have stood up manfully heretofore, so you will still continue to maintain your position and fight it out on that line (applause) if it should take you to the Millennium. (Renewed applause. God grant that your Church may never recede from the noble position which you have taken.

The Moderator said that the Assembly were most happy that the work of representing that body had fallen upon so able a man, and that this Assembly reciprocated most heartily the kind, Christian words, and greeting to which they had listened, and rejoiced in their prosperity, in their loyalty and in their missionary activity and noble Christian example.

The reception of delegates from corresponding bodies was made the second order of business for to-day.

Dr. W. E. Knox, Chairman of Joint Com-mittee on Religious Exercises, reported favorably to the holding of joint services with the O. S. Assembly at Dr. Nicoll's Church, Monday evening, and that the joint sacramental services be held at Dr. Nelson's Church, on Wednesday evening, and that the address be made by Dr. Z. M. Humphreys.

Dr. Clark then read the report of the standing Committee on Foreign Missions.

Report of the Standing Committee on For-eign Missions.

The committee to whom was referred the report of the Permanent Committee on Foreign Missions, respectfully represent to the General Assembly, that that report invites attention especially to the following points, to wit:

To our altogether satisfactory relations with the A. B. C. F. M.; the alarming decrease in the number of our Missionaries in the service of the Board; the continued neglect, on the part of many of our churches and church members, to make annual contributions to the cause of Missions; the importance of even a larger co-operation on the part of our West-ern churches; the need of a more efficient use of our ecclesiastical apparatus, and the fitness of this present period of our national history, for a broader, mightier and more successful assault upon that empire of dark-

ness for whose conquest and illumination the Church aspires and exists. That the utmost harmony should exist between our Permanent Committee and the American Board is only what the Assembly has had every just reason to expect; inasmuch as it is well understood that we can ask which we are not willing beforehand to grant. One in aim and akin in temper, their success is ours and ours theirs; for we and they are

equally the Lord's. Nor are the kingdom, power and glory ours or theirs, but His That the number of our missionaries should have been reduced one-sixth in three years, so that whereas in 1863 we had fifty-six in the field, we have now only forty-seven, is a desired to notify the General Assembly to be fact which the world will contemplate with present. The discourse will be delivered by surprise, the Assembly with sorrow, and to which we can make no other honorable answer, than in the voice of our sons ard daughters, saying in scores, "Here are we, send us.'

It is matter of much congratulation that, under the many burdens and exactions of the the Synod of Wisconsin. The report was time, our congregations gave to the cause of adopted. Also, in relation to overtures from t more than in any previous year. Nevertheless, the Assembly ought not to pass lightly over the humili ating revelations of the Committee's report touching the continued neglect of a portion of our churches and church members to contribute their just quota to the cause of Chris tian Missions. Is our Church worthy its ancestry or its name-can it lawfully call the Holy Spirit its tenant, the Redeemer its head the age its sphere, the land its heritage, the future its hope, while of its fifteen hundred congregations seven hundred do nothing at all to send the Gospel to the heathen? No doubt there is need of greater fidelity on the part of those who superintend the annual benefactions of the Church, on the part, that is, of pastors and elders and committees, whether of Synods, Sessions or Presbyteries but when indifference becomes a habit, and in its inveteracy will yield neither to admonition nor entreaty, nor the calls of Providence. nor the spirit of the age, nor the Spirit of God, it devolves upon the General Assembly, in its care of the Church, to importune the Father of light, in His infinite condescension, to breathe into the whole body, that spirit of grace, which is the spirit of Jesus, as it is also the spirit of missions. Your committee recommend that some morning be set apart by the Assembly to prayer, especially for this object, that our ascended Redeemer may hear our united cry and inspire in all our congregations with the sessions, supplies and pastors, that sentiment of expansive zeal, which we need to make us to the full extent of our ability a Missionary Church. The churches in our Western Synods have a vast home field, which they cannot dutifully or safely neglect. And all our churches whether in the newer or older States, have in charge the magnificent enterprise of establishing upon this great continent the seat of power, the home of liberty, the goal of the ages past, the starting-point of the ages to come—that glorious Kingdom of Christ, for which the continent was created, for which the Republic stands. We must not try to abate, but rather to increase the instinctive additional members on that Committee. ardor which fires the hearts of our peope in the East and West in behalf of the Home Missions. This magnificent middle belt, the highway of the King, which divides our continent, stretching from the Eastern to the Western sea, is our Land of Promise. And at whatever cost of money, toil and time, we must take it, and transmit it with its institutions, sanctified and made permanent, to the coming generations, as the legacy of the Presbyterian Church of America, to the latter days of time. But to do this homework well, we must do our work in other lands well also; for we are of least use to ourselves when we are most selfish, and shall do most and most successfully for Christ's cause at home, when we do most and most willingly for his kingdom abroad. May God, by whose favor alone we can be made strong in this or other lands, keep our churches from the fatal mistake of doing little for missions among the heathens under the impression that thereby they can do more for Christianity at their own doors. The Committee learns with great satisfaction, that two of our Presbyters are employed in missionary labor, and two others are under appointment, in the service of the American and Foreign Christian Union. The Rev. Ramon Montsalvatge, of the Presbytery of Brooklyn, and the Rev. A. J. McKim, of the ceivable that an accused person may within y ledged common right and justice, what are speech ne made that ne was sometimes a success with which you have a vorea in Kamon Montsalvatge, of the Presbytery of the optimized in the proceedings of Courts of law and equity while day without thinking that he was this country and in foreign lands, and we brooklyn, and the Rev. A. J. McKim, of the charges made against him. It certainly in analogous cases, and what are ex parte pro-would be an anomaly in any judicial proceed- geedings. Nowhere is it held that a man help thinking that his position had elevated and co-workers with you in the great work of in not the least inviting of the many fields

from across the sea.

The committee recommend to the Assembly by the appointment of Synodical and Presbyterial committees; the faithful presentation of the cause to the people for their annual contributions; the diffusion of intelligence through the Presbyterian Monthly, Missionary Herald, Christian World, and the religious newspapers; regular observance of the monthly concert; reports to the Permanent Committee, and every other appropriate method of instruction and appeal, they endeavor from this time to make our entire Church what it ought to be, and can be; the joy of the Redeemer, the glory of the age. the light of the world.

In behalf of the committee,

W. CLARKE, Chairman. Foreign Missions was made the subject of

prayer for the next morning. Dr. Wood, Secretary of the American Board of Foreign Missions, stated that he was present in accordance with a resolution adopted by the Assembly in 1859, respecting the interests of the cause of Foreign Missions. The Board desires me to present their gratitude to this body and their congratulations on the auspicious circumstances under which the meeting of this General Assembly is held—circumstances so auspicious in re-spect to our country and the blessed work of God's Spirit in our Churches, and in connection with the prosperity of our great benevo-lent enterprises. The Board have to say that they deeply regret that so large a proportion of the churches under the care of the Assembly have as yet failed to come up to that great interest in the cause of Foreign Missions, which seems to them so indispensable to their spiritual life and their efficiency. The Board are highly gratified with the prospect, and at the progress which has been made in the limits of this branch of the Church during the last few years. The amount of contributions during the past year has been very considerably in advance of any previous year.

During the year 1865 our Church is represented as having contributed the amount of \$112,000, which amount does not include legacies from members of our Church, nor does it include all the contributions of its members, for some of the contributions received from individuals are not reported in the minutes. The sum total would be about \$140.000.

He would desire to impress upon the members the desirability of still greater advances. Although through the great conflict the demands have been very great, and it was a matter of thanksgiving that they had been so fully met, and at the close of the war the Board still had a surplus of \$1148—although it entered upon the period of the war with a deficit of \$28,000-now that the war was over, there was danger that the cause would be allowed to decline unless renewed efforts were nothing of that body which they are not glad | put forth. In the missionary work there was to concede, nor they desire anything of us a great want of men. They had met with some bereavements in the missionary work, and those who still remained were borne down with heat and failure of health, and some had

been forced to relinquish the work. Dr. Hatfield stated that the Presbyterian Historical Society proposed to hold a public meeting in this house (First Presbyterian Church) on Friday evening of this week, and Dr. McLean on the life and character of Rev. Wm. Tennent.

Dr. H. B. Smith, from the Committee on Church Polity, reported favorably to the pro-position of transferring the Presbytery of Lake Shore from the Synod of Michigan to the Presbyteries of Chemung and Geneva asking that the meeting of the Synod of Geneva, designated for the last Tuesday of September, be held on the third Tuesday of eptember.

whether, in all case It is advisable that a Church judiciary should proceed to a final determination of the case, nor is it what has, been, the usage in some of the tribunals of the Church, but it is strictly what does the Book of Discipline authorize It is freely admitted that, a long course of usage under a statute is no inconsiderable evidence of the meaning of the statute, but it must be an usage growing out of the enactment itself, and claimed to have been author ized by it. Mere neglect to exercise powers conferred is no proof that they were not granted. Had the fathers of the Church generally decided that, by the 4th Chapter of the Book of Discipline, no power is recognized in a judiciary to proceed to the trial of an accused person when he has refused to obey its citations, that his contumacious refusal must arrest all' steps to purify the an answer to be put in, a trial to undergo. Church of the offence charged, beyond taking | Taking testimony in support of the accusation evidence to prove that offence, and had such a construction of the book been generally acpepted, it ought to have weight in answer to appointee of the judicatory is to manage the this overture. But there is no evidence that whole. any such judicial construction has been gene

rally given to the language of the book. . . But there is not enough in judicial decision nor in authoritative usage to settle the ques tion. After all, it must be answered from the book, and the true inquiry is, what is the fair interpretation of the rules laid down in the fourth chapter. An universally recog-nized rule of construction is, that, where the may choose to appear for trial, it may be anpurpose of a statute is clear, the means given | swered that no such purpose appears in the for effectuating it 'are to be interpreted with reference to the purpose, and, if possible, so the object sought to be accomplised is the departments of the Government-to use the as to scoure its accomplishment. Now the perpetuation of testimony, are even hinted language of the sailor-that he was captain, at. By the sixteenth section the judgment mate, and all hands, it would be proper. are declared by the second section of the first is required to be entered upon the records of are declared by the second section of the first chapter to be "the removal of offenders, the vindication of the honor of Christ, the pro-preservation of unused evidence. It is not it is eminently proper that we should utter motion of the purity and the general edification of the Church, and, also the benefit of the offender himself." The fourth chapter contains the directions given to the church judicatories, by which these ends are to be secured. Manifestly, they were intended to be a complete and efficient system adequate to the purposes in view. If they fail of that, the avowed object of their framers is defeated. Then there is no power to remove an offence in any case where the alleged offender refuses to submit himself for trial. Plainly, it is the offence charged which is sought to be removed, either by bringing the offender to repentance, or by the judgment of the church upon it, and ultimately, if necessary, removing the offender. It is from that offence the the committee are constrained to regard them church is to be, purified, and the hohor of Christ vindicated, for by that offence the through all the stages of trial, alike in cases evil has been done. Anything that, comes short of discipline for that fails of accomplishing the avowed purposes for which the directions of the fourth chapter were pre-

scribed. Contumatious disobedience of citations is another distinct offence, punishment for which is entirely collateral to discipline for the cause that induced the commencement f the process. It is contempt of the lawful af the process. It is concerned as the sollateral of is summary punishment for the collateral offence alone. Neither directly nor indirectly is it an expression of opinion respecting the delinquent's guilt or innocence of the charge preferred originally against him. Suspension for contumacy would be proper, without regard to anything beyond it. It is quite conceivable that an accused person may wilfully

all have een tak most, it raises but a very feeble implication that, because notice of one thing is required (a thing very peculiar it itself, and always demanding a special notice,) therefore nothing else can be done. A similar mode of reasoning would render a trial in any case impossible.

The thirteenth section is the only

one that is supposed to make a difference.

By that a second citation is required to be

present." It has sometimes been asked if it

Moreover, the 13th section affords strong affirmative evidence that a trial and judgmen were contemplated by its framers, notwith-standing the refusal of the accused to obey the citations. The evidence is found in the notice that the judicatory will assign some person, not to appear for the accused at the examination of witnesses, but to "manage his defence." The idea of detence in a judicial proceeding is inseparable from answer or trial. If, therefore, the non-appearing accused has a defence to be managed, he has part of the defence. Cross-examina is no tion of the witnesses may be a part, but the

It may also be argued that the provision for taking testimony at all, when an accused person fails to respond to the citation, implies that the case may proceed to a final de termination. For what purpose take testi mony, if no action is to be based upon it? If it be said to preserve it for the use when swered that no such purpose appears in the take that an Executive was going to be the in unity, therefore we hall with feelings of book. None of the provisions usual, when Judiciary, the Legislature, and all the other joy the efforts which are being made in Great even reqired to be reduced to writting, unless our opinions on the subject and give no un-

demanded by one of the party. It may also be argued from the language of the fourteenth section, that the trial for the offence charged is intended, though the citations have been disobeyed. A similar implication is found in the next section, the fifteenth, which declares that the trial shall be fair and impartial," and that "that the witness shall be examined in the presence of the accused. or, at least, after

he shall have due citation to attend." Taking all these sections into consideration, and regarding them as parts of one system as having reference to the same subject matter, and designed to secure the ends avowed, as applicable to the course of proceeding where the accused does not appear in obedience to the citations, as when he does. In both, the judicatory is empowered to proceed to trial and to final judgment.

To this conclusion an objection has some-times been urged, which at first mention, seems to have some plausibility. It is that trial o' a person in his absence, and the rendition of udgment against him, are in conflict with common right and justice; that even Criminal Courts in State Governments do not try offenders in their absence, and that Ecclesiastical Courts ought to avoid ex parte proceedings. The objection aims less at the power of a I feel under great obligations to him, but 1 judicatory, as recognized by the book of dis- must say that I have not unlimited conficipline, than it does at the policy of exercising dence in him. He evidently is a man, and it. But it misapprehends what are acknowledged common right and justice, what are the proceedings of Courts of law and equity

Hon. John A. Foot took an entirely differ-

ent view. It seems to me, he said, that a body so large, so respectable as this, and representing so large and respectable a constitiency, cannot but have weight. We all know that there is a great diversity of opinion, and many feel that the present is a time as full of dangers and difficulties as any through which we have passed. The country expects that we will, after prayer, give our views upon a question that interests every-body. We have to day heard most eloquently of the importance of work as well as of prayer. Now then we certainly ought not shrink from giving the opinions that we may have upon these great questions. If we say nothing more to our constituency than that it behooves them all to pray to God in this exi gency, it will do a great deal of good. If we say to them that we call upon all our rulers to approach this question without selfishness, asking God to aid them, and putting acide everything like hatred, malice, , ill will, and everything of that kind, it will do good. And if we say that looking upon him whom we

have for President, and seeing that at the ble that there should be increased unity and original inception of the rebellion he stood up alone from the Southern States and de nounced treason as a crime, we feel under obligations to him for that; it seems to me some thing like that would allay prejudice. And if we may further kindly say that we cannot conceive that he should make the great mis departments of the Government-to use the

certain sound, and when we speak on the lies very near to my heart, and therefore I subject we should speak of a number of will ask your indulgence for a few moments, questions that are near our hearts; and per It is admitted that these divisions are mit me to say, it will come with great effect and great weight, for I remember that when the General Assembly in 1863 passed a reso lution, we contended on a particular point; it was precisely the point between loyalty and disloyalty, and we discussed it almost all' day. I felt willing to go for it because Dr. Barnes proposed it. I study Barnes' notes a great deal. When this resolution was read to the President, he said : "Gentlemen, I thank you for the point you have made, (it was precisely that point;) it strengthens me | apprehend that, after all, the great difficulty to feel that I have all the denominations now sustaining me. I don't pretend that I branches of the Presbyterian family in this have every one of all, but I have all the de-country, is not the matter of doctrine, but it nominations, and it strengthens me to feel that I have praying men to sustain me." The utterances of this body will have a very great effect. 1 have not had a political office | was not among the privates, but it was found or more than ten years, and don't expectand don't want one. I have just the feeling lought to have as a Christian, and as a man in regard | great extent, in the Church of Christ. Then to these questions, and old as I am I feel that my interests are bound up with this too much at points of trivial importance, and country, and old as I am I fear that I may permit them to monopolize our solicitude to still see confusion and every evil work in our land if we don't take the right ground.

As I said with reference to the President, I feel under great obligations to him, but 1 no more than a man. I read in the last speech he made that he was sometimes a

We desire to cultivate the most cordial relations with this body, and we rejoice in all that prosperity which God has granted you in years gone by. We thank God for the success with which you have been favored in Request granted.

Report from same Committee in relation to resbytery of Osage, in Synod of Missouri asking that the Presbytery be reconstructed with its former boundaries, and that the General Assembly recognize the Presbytery of Osage and receive its commissioners preisely as if they had been sent by the Synod. Report agreed to, and action of Presbytery sustained, and attached to the Synod of Misuri as requested.

Rev. Mr. Waterbury moved that a committee be appointed in reference to time and place of holding the meetings of the next Heneral Assembly. Rev. Mr. Tindall thought it was not de-

sirable to have the meetings of both Presbyteries in the same city; not that he did not have a fraternal feeling, but he thought that wo cities should be benefited instead of one. Mr. Sheely, of Detroit, nominated Detroit as the place of meeting for the next Assembly, and in support of his nomination, said it was large enough for both Assemblies.

Rochester, N. Y., was also nominated. After some further debate, the motion of Mr. Waterbury was agreed to, and the Moderator appointed Rev. Dr. Shaw, Rev. Dr. Hograth, and Rev. Henry W. Williams. as a committee on time and place.

On motion of Rev. Mr. Stanley, the first week in January was set apart as days of prayer for the conversion of the world. Adjourned to 3 o'clock P. M.

Afternoon Session.

The Assembly met at 3 P. M., pursuant 10 adjournment.

Hon. Truman P. Handy asked and obtained leave to be excused from serving on the Committee on the State of the Country. Rev. Thomas Brown, Hon. John A. Foot

and Mr. Russell Scarritt were appointed as Rev. G. F. Wiswell, from the Committee on

Devotional Exercises, recommended that the hour between nine and ten o'clock on Tuesday morning, be devoted to prayer for the raising up of missionaries, and that Wednesday morning be devoted to the consideration of the claims of the American and Foreign Christian Union, which was agreed to. Rev. Dr. Humphrey, from the Standing Committee on Church Erection, made a re-

port suggesting changes in the plan. It was suggested by the Moderator, that it would be better to have the report printed,

as had been desired by a member Dr. Clarke suggested that Judge Williams be called to the platform to explain the changes proposed. Judge Williams was then questioned upon

the document for a few moments.

Rev. Dr. Shaw, of Rochester, N. Y., from the Committee on Time and Place of Meeting of the next General Assembly, recommended that the next General Assembly be held at the brick church in Rochester, N.Y., on the third Thursday of May, 1867. The report was adopted.

The hour of the meeting of the Assembly was changed from half-past eight to nine  $A_{\cdot}$ M., and to commence with devotional exer-

The Assembly then adjourned to meet at 9 o'clock A. M.

(Continued on the Fourth Page.)