

BRIGGS CONCLUDES

His Defense Before the Presbyterian General Assembly.

A FOUR AND A HALF HOURS SPEECH

In Which the Doctor Touches Every Point at Issue.

RIGHT OF THE GENERAL ASSEMBLY

To Hear the Case Denied By Him.

An Intimation That a Court of Equity May Yet Decide the Question of Personal Rights Involved. He Reaffirms His Acceptance of the Holy Scriptures as the Word of God and Claims That He Has Not Departed From Presbyterian Doctrines--An Elaborate Argument. The Sunday Question--The Assembly Assured By the Attorney General That the Law Will Be Enforced.

WASHINGTON, D. C., May 24.--At 9:30 the moderator opened the general assembly with prayer, and after the disposition of some routine business, presented a report from the judicial committee recommending that the six complaints of J. J. McCook and others, against the New York synod, growing out of the trial of Prof. Briggs, be referred to a judicial commission for trial.

The recommendation of the committee was adopted. Dr. Baker then reported the action of the committee upon the overtures relating to appeals direct from the synod to general assembly. The committee said that inasmuch as these overtures had to do with the case now pending it seemed only fair that the report on them should be made before the case should be determined. At the same time, recognizing the fact that there was no opportunity at this time for the discussion, it was recommended that the report be placed on the docket, unless the assembly was ready to vote promptly on it.

Overtures from twenty-nine presbyteries asked specification on the case now pending; those from fourteen others asked a change in the book of discipline to prevent any future appeal being taken direct from the presbytery to the general assembly. The committee recommended the adoption of the following resolution: "Resolved, That a presbytery has the undoubted right of petition to the general assembly, as to all matters relating to the polity of the church; but an overture from a presbytery, advising the assembly what action should be taken by said assembly in pending judicial case, is an irregular and unprecedented ecclesiastical procedure. Every presbytery has the right and the opportunity to have its opinion on a pending judicial case expressed through its commissioners on the floor of the assembly, but it has not the right by overture to try to influence the decision of the assembly on any pending judicial case. We therefore recommend that all such overtures, in so far as they relate to the action of the assembly in the case now pending before it, be laid upon the table. We further recommend that part of said overtures relating to a change in the Book of Discipline, so as to provide that no cases may in the future be taken by appeal directly from the presbytery to the general assembly, be referred to the committee on church polity."

The assembly apparently was ready to act upon the report, for a motion to accept it and adopt the recommendations was promptly made and adopted with no dissent. Moderator Craig then received the assembly into a judicial court, and Dr. Briggs resumed his speech in defense of the action of the New York presbytery in the case of the prosecution against him and in opposition to the entertaining of the appeal from the judgment of the presbytery thereon.

DR. BRIGGS RESUMES

After briefly restating the points made yesterday Dr. Briggs said: "The presbytery of New York, the largest in the Presbyterian church, after a long and patient consideration of the merits of the case gave a verdict of acquittal. Would the general assembly be willing to give the same amount of time and same degree of patience to the consideration of the merits of the case if the appeal should be entertained. The general assembly is composed of more than 500 members from all parts of the United States. It is likely that so numerous a body will be more equitable than the presbytery of New York. Let any one consider the situation of affairs in the Presbyterian church since the process was begun against Dr. Briggs and honestly ask whether the general assembly is likely to be in a more judicial frame of mind than the presbytery of New York. If the general assembly should entertain this appeal, it would be necessary to consider the merits of the case with the utmost care, with evident impartiality, with entire freedom from party prejudice and with unwearied patience for several weeks, or you could not win public confidence in your justice, or public respect for your decision. If you overrule all the provisions of the constitution and maxims of civil law, the usages of civil and ecclesiastical courts in order to entertain an appeal and then rush to a hasty decision, you strike a deadly blow at the constitution and the discipline of the Presbyterian church."

He then reviewed the history of the case through its various usages in presbytery and general assembly, showing the dismissal of the charges in 1891, and an acquittal in 1892, "by a court," as he said, "which showed so evidently, to say the least, that they were not biased in favor of Dr. Briggs, and which was under the external pressure of the unfavorable action of the two general assemblies, and which was compelled to acquit him by the evidence in the case, is equivalent to put the defendant in jeopardy again for the errors charged against him.

A SUGGESTION

"No civil court could do such a wrong. It would be a new and iniquitous precedent in an ecclesiastical court. The civil courts might feel compelled in the

interests of equity to interpose. The general assembly cannot entertain his appeal without doing violence to the sense of right which is exhibited in the constitution of our country in the maxims of common law, in the statutes of our commonwealth and in the practice of our civil courts without establishing an entirely new and dangerous precedent in ecclesiastical law without doing grave injustice to the defendants and to the presbytery of New York and without undermining public confidence in the equity of the Presbyterian discipline. Is not this too heavy a cost to pay for the sake of securing a condemnation of one man, however objectionable he may be? Is it not too great a strain to put upon our constitution in order to gain a decision on questions of doctrine which may be more clearly and satisfactorily defined by a procedure prescribed in the form of government? The common law lays down this fundamental principle which applies to this case, if to any; it is for the public good that there should be an end to the litigation."

The distinguished doctor went over the whole report of the proceedings leading up to the trial by the New York presbytery and the trial itself, pointing out where points of law and fact had been in his favor, and also pointing out where rulings had been made unfairly against him.

TREATED UNFAIRLY

Although the rule of the church does not allow the moderator of a presbytery to decide constitutional questions, the moderator of the New York presbytery decided such a question--one of the most vital in this whole case--against the defendant without giving him an opportunity to debate the question. The question was as to whether the so-called prosecuting committee was an original party to this case or not, and when the moderator decided it in the affirmative, in the unfair and overbearing manner stated, the defendant carried his wrongs to the synod of New York and appealed from the decision. Until that appeal has been passed upon, the general assembly has no right whatever to consider this case. The committee having determined to continue the prosecution of this case, in opposition to the expressed desire of the New York presbytery, they say that they act independently and as representatives of the Presbyterian church of the United States of America. Is it not gratifying Dr. Briggs asked, that there should be at least a few members of the New York presbytery who are determined to stand by the old faith against the majority of their colleagues? The general assembly cannot take this case under consideration. The matter is in the hands of the synod of New York. That synod has thrown its shield over the defendant and will protect, not only him, but its own rights of hearing the case without having its jurisdiction interfered with rashly by the assembly.

There was no precedent whatever, he said, for the leaping of the synod by an appeal from an acquittal. It was also bad policy for the church to have intervening courts overlapped. If the largest synod, that of New York, should thus be overlapped in the effort to bring the case of Dr. Briggs to a speedy conclusion, what is there to prevent the leaping of any other synod to satisfy the ambition of some other aspiring prosecutor? What right have the commissioners to the general assembly to entertain this appeal? he asked. The assembly has been informed that this case has been taken under consideration by the New York synod. If, therefore, the assembly should decide to come to a final decision in the matter and overturn the final decision of the New York presbytery, it would not find the final decision for the defendant, the presbytery and the synod could not accept it as either constitutional or valid.

Before the decision could be made, continued Dr. Briggs, it would be necessary in the interest of common sense and common justice to have the interlocutory appeals passed upon. These are in the hands of the New York synod, and it is attempted to brush aside all of these in the effort to bring the matter to a speedy conclusion when the time saved could not be more than a year. Here in the capital of the nation it is being attempted to override some of the common principles of the law in order to gratify the vain ambition of these prosecutors.

EXAGGERATED IMPORTANCE

Why should the case of Dr. Briggs be made so prominent and pushed to the front as the most important ecclesiastical discussion of the closing decade of the nineteenth century? They say that it is a case of vital importance. Ho, the speaker, thought they exaggerated its importance, and he had always thought so. At 11:25 Dr. Briggs yielded for a motion to adjourn.

The moderator stated that the committee upon closing the World's Fair on Sunday would visit Attorney General Olney in the noon recess. AFTERNOON SESSION. At the opening of the afternoon session of the general assembly Dr. Craig stated that a committee appointed to visit Attorney General Olney had done so during the noon recess, and had to report.

That the committee were most courteously received by the attorney general, who assured the committee that himself and the district attorney of Chicago, who was in this city, were watching the Sunday opening matter with the greatest care in order to see to it that the United States laws should be strictly enforced regarding the closing of the fair gates on Sunday, and he desired the committee to say to the assembly that the government would take proper measures for the protection of its rights. The announcement was received with a round of applause. Dr. Briggs then resumed and spoke extemporaneously until the end of his address. He called the attention of the assembly to the stars at the bottom of page 8 in the brief of his prosecutor. They were not stars of glory, he said, but stars of shame, for they indicated an omission which should not have been made. What right had these appellants to omit such matters as they pleased from an official or semi-official document? Dr. Briggs asked this question with some feeling, as if he felt that an attempt had been made to strengthen the case of his opponents by omitting something in his behalf.

He wished, he said, to make an explicit denial of the charge that he had preached doctrines against the fundamental doctrines of the church. "I affirm that I believe," he said, turning

with out-stretched hands to the audience, "the Holy Scriptures to be the Word of God."

He affirmed his faith honestly and uprightly every three years in making the reaffirmation of faith which was required of him by the Union Theological Seminary. He affirmed that he held to the whole doctrine taught in the first chapter of the Westminster Confession. Anything he might have said that might conflict with these statements was due to misinterpretations, but he charged no one with misunderstanding him wilfully.

Dr. Briggs closed with an appeal, touched with a suggestion of pathos, that the case might go to the synod of New York. If that were done he would aid in the full solution of the case, and then if it were sent back to the next general assembly he would abide by its decision whatever it might be.

As he took his seat a wave of applause ran over the rear of the church, which evoked an indignant rebuke from the moderator.

THE PROSECUTION

After an interval of five minutes Col. J. J. McCook began the closing argument for the prosecuting committee in support of the recommendation that the appeal be entertained. Almost at the opening Dr. Briggs interrupted Col. McCook, to correct what he claimed was a mistake made by the latter, when he said that the appello (Briggs) had stated that the appeal was not taken in time.

Dr. Briggs--I did not say that. I admit that the appeal was taken in time.

Col. McCook--That is perfectly satisfactory. The matter was of trifling moment in any event, and is particularly so in view of the admission just made.

A few minutes after, quoting from a letter written by Dr. Briggs to Dr. Birch, in which he declined to meet the prosecuting committee before any proceeding were had under their appointment, Dr. Briggs arose and said: "May I ask a question?"

Colonel McCook--You may interrupt me as often as you please.

Moderator Craig--Dr. Briggs, I allowed you to speak four and a half hours without interruption.

Dr. Briggs--I wanted to correct a misstatement.

Moderator Craig--Colonel McCook heard you throughout without objection, although he might have challenged many of your statements. Now let him go on in the same way. That is the only fair and proper way.

Dr. Briggs--It is understood, then, that I do not consent to the incorporation of any misstatement.

Moderator Craig--Certainly. And do not suppose that Colonel McCook gave his assent to a score of things you said, but he bore them well. Colonel McCook will proceed.

Speaking of Dr. Briggs' claim that the matter appealed from by the prosecuting committee was not a final judgment of the presbytery, Colonel McCook said: "If that be so, then Prof. Briggs has not been acquitted of the charge brought against him."

The history of the case in its various stages was recited by Colonel McCook, and the regularity of the several steps firmly maintained.

Colonel McCook said: "Great weight has been given to a technical question raised in the interest of the appello, and of delay based upon a clause contained in the fifth amendment to the constitution of the United States, which is as follows: 'Nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb.' It has been claimed that this constitutional provision prevents an appeal from the final judgment of the presbytery of New York in this case, and that such an appeal would place the appellee's ecclesiastical life in jeopardy a second time. This somewhat ingenious but inappropriate use of the term ecclesiastical life seems to have confused the minds of some as to the character of proceedings under the book of discipline. 'These are not criminal proceedings involving peril to the life or limb of the appellee. They are proceedings to enforce a contract, or rather to determine whether the contract has been maintained in all its integrity. If it should be shown that the appellee has not maintained the contract in all its integrity, the loss of his ecclesiastical life would mean simply the loss of the benefits which he at one time enjoyed under the contract which he had broken.

FOUND DEAD

Special Dispatch to the Intelligencer.

HUNTINGTON, W. VA., May 25.--Some men on their way to work to-day at Bradrick, Ohio, a small place opposite this city, found the dead body of William Plybon, sr., lying in a ditch by the side of the road near his home. He disappeared last evening and his family had been hunting the county for him, as he was slightly demented. He was seventy years of age. Heart disease, it is supposed, caused his death.

CONDENSED TELEGRAMS

The wedding of the duke of York and Princess May of Teck has been fixed for July 6.

Cyclones did considerable damage in eastern Kansas and western Missouri last night.

Gen. R. W. Kirkham, aged seventy-two, the well known capitalist of California, died yesterday. He was born at Springfield, Mass.

Six highwaymen held up a Missouri Pacific train near Pacific, Mo., and robbed the express car of \$5,000. The passengers were not molested.

In the Royal Thames club regatta yesterday the prince of Wales cutter Britannia won the race over Lord Darnley's new yacht Valkyrie and other famous racers.

The question of reducing the size of the Sunday paper, or of still further increasing it, was the chief topic discussed yesterday by the American Publishers' Association.

The President has commuted to imprisonment for life the death sentence of Edward Pickens, a full blooded Chickasaw Indian, who was convicted of murder in the district of Kansas.

Moses G. Farmer, of Boston, the widely known electrician, died in Chicago yesterday. He was for many years the professor of electricity at the United States naval torpedo station, Newport, R. I.

Professor Harrington, chief of the weather bureau, denounces the report of Assistant Attorney General Colby, who investigated the charges against him, as maliciously false, and appeals to President Cleveland for a fair hearing.

President Cleveland has approved the deeds of the Chetaw and Chickasaw nations for their right and title to the "Leased Lands," in the Indian territory, formerly occupied by the Cheyennes and Arapahoe Indians, but now constituting a portion of Oklahoma territory, for which the sum of \$2,981,450 was appropriated. President Harrison declined to approve the deeds submitted for the release of the lands.

THE PRINCESS EULALIE

Arrives in New York and is Royally Welcomed.

FROM "BEAUTIFUL WASHINGTON,"

As She Calls the National Capital, Mayor Gilroy, the Big Tammany Chief, Does the Honors Without Making Any Mistakes--The Infanta Makes a Much Shorter and Less Cordial Speech to the New York Snobs Than She Did to the Treasury Girls in Washington--Well Pleased With Her Treatment Thus Far.

New York, May 25.--The Spanish princess Enlale and her suite arrived here at 3:30 this afternoon from Washington. When the infanta's party and the members of the committee had boarded the Slocum at Jersey City, the Spanish warship, Infanta Isabel, that had anchored north of the pier early in the day, began firing a general salute of twenty-one guns, at the same time manning her yards and parading marines on the quarter deck.

The Slocum party left the pier, and the entire party took seats on the forward deck, the princess close by the starboard rail, with Whitelaw Reid and Joseph J. O'Donohue on either side. During the sail up the river the party received an ovation, salutes being exchanged with hundreds of river craft.

The Slocum continued on to Fifth street, where she turned and passed round the Italian warship Eribanou. As the Slocum turned, the guns of the Miantonomah, lying a mile further up, fired a welcome. The Slocum continued down the river to Thirty-fourth street, where a landing was made. Then the party, headed by the mounted band, marched along Thirty-fourth street to Fifth avenue and to the Hotel Savoy.

Along the entire route the princess received a most enthusiastic reception, which she gracefully acknowledged. The streets were lined with people and from the windows of many of the houses the Spanish and American flags were flying.

Mayor Gilroy and George B. McClellan, president of the board of aldermen, waited at the entrance to receive the city's guest. As the carriage stopped Gen. Porter introduced Mayor Gilroy to the infanta and the mayor introduced Mr. McClellan as the "president of the municipal council."

Then the mayor offered the princess his right arm and led the way up the steps and through the hall to the elevator followed by the prince and Mr. McClellan. The carpet laid down beneath the canopy was strewn with lilies, peonies, roses and carnations and the moment the last of the crowd grabbed every petal of broken flowers that the gracious lady had crushed beneath her pretty shoes.

When the party had reached the reception room Mayor Gilroy advanced to the infanta and her husband and extended to them a warm welcome. The princess replied very quietly and with a marked accent: "I am very pleased at the graciousness of the reception and can find nothing to say except to thank you."

A few of the committee of one hundred were then presented, General Varnum giving the names to Commander Davis, who repeated them to the infanta and her husband. Only three ladies were presented, they being Mrs. Gilroy, Mrs. Dugrow and Mrs. Martin Brown.

The infanta expressed herself as charmed with "beautiful Washington" and her treatment thus far in America. The party then went to their apartments.

THE WHISKY TRUST

Members Reticent About Recent Occurrences--A Public Statement.

PHOENIX, ILL., May 25.--The meeting of the directors of the Distilling and Cattle Feeding Company adjourned this evening. President Greenhut and all the members are especially reticent about what transpired. Mr. Greenhut gave the following notice for publication:

First--That the company owns and operates all its distilleries and that no person or persons have the power to "withdraw" any one of them.

Second--That the company is in actual possession of all its property, nor is any of it in the possession of any parties except as managers employed by the company.

Third--That the company is not in default for rental in any case under the terms of the lease.

Minister to Netherlands

WASHINGTON, D. C., May 25.--The President to-day appointed Wm. E. Quinby, of Michigan, to be envoy extraordinary and minister plenipotentiary of the United States to the Netherlands.

William E. Quinby, of Detroit, who was to-day appointed minister to the Netherlands, is the editor-in-chief and principal proprietor of the Detroit Free Press, with which he has been connected for thirty-three years. He is a native of Maine and about fifty-seven years old. Mr. Quinby has always been an earnest Democrat, but has never been in active political life, having always declined the use of his name for public office.

Hennig in "Julius Caesar"

The Cumberland News, speaking of Mr. Frank Hennig's appearance there last week, says:

The play selected was Shakespeare's sublime tragedy, "Julius Caesar," with Mr. Hennig in his favorite role of Marc Antony. The occasion resulted, as might have been expected, a success from the rise to the final fall of the curtain. The Marc Antony of Mr. Hennig is a study of the emotions and where, in the funeral sermon over the dead Caesar, he inspires the multitude into revolt against the murderers of his friend, the climax is most skillfully reached and betrays the actor that only nature can produce. Of the support it can be said that it was everything desirable.

Mr. Hennig will be at the Opera House on Tuesday evening, May 30, in "Julius Caesar," and he will no doubt be greeted heartily by a large audience.

A Horse Race Yesterday

Yesterday afternoon Charles Ellig's and Louis Frobo's nags ran a race on the State Fair grounds course, in presence of quite a crowd of spectators. It was for a purse of \$20 a side, best two heats in three. Frobo won in the first two heats. Ellig fired his driver after the first heat and drove his own horse, but did not change the result. It was so in the second heat.

BEFORE BREAKFAST

Acts as a bracer--trial bottle 10 cts.

MARSHAL VINSON

And His Deputies Sworn In--Judge Jackson Denies His Intention to Resign--A High Compliment to the Republican Officials.

Special Dispatch to the Intelligencer.

CHARLESTON, W. VA., May 25.--When the United States court opened to-day Marshal H. S. White presented the commission of his successor, Hon. S. S. Vinson, of Ceredo, and asked that he be sworn in. He tendered to the court and its officers his sincere thanks for the uniform courtesy and assistance that had been his during his term of office. Mr. Vinson then qualified, with his deputies, Hon. A. D. Garden, of Wheeling; Chief B. L. Priddy, of Huntington; James Meighen and G. Stout, of Parkersburg; L. E. Vinson, of Barboursville; John F. Littlepage, of Charleston; L. B. Vinson, of Wayne C. H.; M. F. Darnon, of Dunlow, and Melvin Hall, of Madison. All assumed their duties to-day.

On this occasion Judge Jackson spoke of the many changes that had taken place during the years that he had served as United States district judge and said they suggested that the time might not be far distant when he would, in the natural course of events, be called from the position he now occupies, but he stated emphatically that nothing was further from his ideas at the present time than resigning his position. From his remarks, it seems at present that it may be some time before Hon. J. E. Chilton will be called upon to fill Senator Faulkner's seat, if he waits for the resignation of Judge Jackson to make a vacancy. The judge paid a high compliment to the retiring Marshal, Hon. H. S. White, and deputies, and hoped that the mutual relations between the new officials would be as pleasant as they had been with the old.

IMPORTANT DECISION

The Phoenix Powder Company Will Have to Move Unless the Supreme Court Decides Differently.

Special Dispatch to the Intelligencer.

HUNTINGTON, W. VA., May 25.--At Wayne C. H. this afternoon, Judge Guthrie decided in the case of the Huntington and Kenova Land Development company vs. the Phoenix Powder Manufacturing company to enjoin the defendant from operating its factory five miles below here, which adjoins the lands of the plaintiff, and where frequent explosions have materially assisted in decreasing values. The fight in the courts has been very bitter. The court held in favor of the land company. The powder factory will have to cease operations but has been granted forty days in which to take the case up to the court of appeals, which they will do.

Fourth-Class Postmasters

Special Dispatch to the Intelligencer.

WASHINGTON, D. C., May 25.--Postmasters appointed: Barboursville, Cabell county, W. R. Donohoe, vice J. W. Church resigned; Cokeleys, Ritchie county, W. B. Morris, vice Jacob Cokeley resigned; Gandeoville, Boone county, T. N. Wilson, vice L. A. Boder resigned; Poca, Putnam county, Mrs. M. H. Leonard, vice C. S. Abbott removed; Raven Rock, Pleasent county, C. P. Barker, vice G. M. Williamson removed; State Mills, Jackson county, B. F. Windle, vice Enoch Statts removed; Talcott Summers county, E. T. Houston, vice K. P. Howland removed; Union, Monroe county, Allen Caperton, vice C. M. Honaker removed.

STATUE OF GERMANIA

It is Made of Chocolate--The Ceremonies Followed by Refreshments.

WORLD'S FAIR GROUNDS, May 25.--The statue of "Germania" in the agricultural hall was unveiled in the presence of a large crowd of people this morning by Imperial Commissioner Wernuth. It is one of the marvels of the German agricultural exhibit and is chiseled out of a huge block of chocolate. It is eleven feet high and is a reproduction of the famous Niederwald monument. In the statue are 2,000 pounds of chocolate. Commissioner Wernuth unveiled the statue while the guard of corps cavalry band of the German village furnished music. When the ceremonies were all over the invited guests formed a procession, the band in the lead, and marched down to the German village on Midway Plaisance, where lunch was served and honors done to the liquid products of the Rhine and the malt extracts from Bavaria.

Next Monday the wheels in the German section of machinery hall will be set in motion for the first time.

The Austrian Exhibit

WORLD'S FAIR GROUNDS, May 25.--The Austrian section of the fine art building was opened by Commissioner Hans Temple to-day. The section includes three large rooms, in which are hung paintings from the royal galleries of Austria and from private collections by famous Austrian ministers.

Well Known Merchant Assigns

Special Dispatch to the Intelligencer.

FAIRMONT, W. VA., May 25.--A. L. Heffer, the Barney street dry goods merchant, made an assignment last evening for the benefit of his creditors to B. F. Swisher and M. J. Lantz. Much sympathy is expressed for Mr. Heffer in his embarrassment, and hopes are entertained that he will pull through.

Steamship Arrivals

Boston, May 25.--Arrived--Kansas, Liverpool.

London, May 25.--Sighted--Augusta Victoria, New York; Sagmore, Boston.

Genoa, May 25.--Arrived--Kaiser Wilhelm II, New York.

New York, May 25.--Arrived--Aller, Bremen.

Weather Forecast for To-day

For West Virginia and Western Pennsylvania fair, slightly cooler; southwest winds.

For Ohio, fair, followed by showers in extreme west; cooler, south, variable winds.

THE TEMPERATURE YESTERDAY

As furnished by C. Schwartz, druggist, corner Market and Fortsmith streets.

7 A. M. 65

9 A. M. 65

11 A. M. 65

1 P. M. 65

3 P. M. 65

5 P. M. 65

7 P. M. 65

9 P. M. 65

11 P. M. 65

Weather--Clear.