The Daily News.

SATURDAY MORNING, JUNE 28, 1866.

Mischlof-Makers.

Oh! could therein this world be found
Some little spot of happy ground
Where village pleasures might go roun d
Without the village tattling?
How doubly blest that place would be
Where all might dwell in liberty
Of gossip's encless prattling!

If such a spot were really known.

Dame Peace might claim it as her own,
And in it she might fix her throne
Forever and forever;
There, like a Queeu, might reign and live,
Waere every one would soon forgive,
The little sights they might receive,
And be offended never,

The mischief-makers that remove
Far from our hearts the warmth of love,
And leads us all to disapprove
What gives another pleasure;
They seem to take one's part, but w'
They've heard our cause, unkin'
They soon retail them all ag'
Mixed with polionous

With the me

And they have such that they have such that they have such that they have they say:

They say:

They say:

They say:

They say:

It is a semning way

They say:

They say:

Ald not tell another.

And break the peace of high and low—

Wife, husband, friend and brother.

Oh! that the mischief-making crow Were all reduced to one or two,
And they were painted red and blue,
if they every one might know them;
Then would the village soon forget.
To range and quarrel, fume and fret,
And fall into an angry pet.
With things too much below them;

For it's a kad, degrading part,
To make another's bosom smart,
And plant a dagger in the heart
We ought to love and cherish;
Then lot us evermore be found
In quietness with a laround
While friendship, peace and joy abound,
And angry feelings perish.

METHODIST CHURCH IN COURT.

- Alan ARQUMENT FOR THE PLAINTIFFS.

of w. May it please the Court: In what shall be urged on behalf of the plaintins, in this case, they ask only for justice, and that they may be heard, as you yourselves would be entitled to be heard, should the great Disposer of events, in the mysterious viciastudes of life, place you in their posit on and they in yours.

It has been well remarked by Captain Pyne the Judgo

Advocate for this department, in recommending the re-turn of this case to the jurisdiction of this honorable Oonst, that the question here involved is very simple. Theing that of which of the parties now before this Court have legally entitled to the property in question. In re-seart to the idea that has been mooted here, that a vast outent of ecclesiastical domain, North and South, in-

extent of ecclesiastical domain, North and South, inreceiving the creation of exclesiastical domain, North and South, inreceiving the extent of exclesiastical domain, North and South, inreceiving the extent of the Methodist
Beliasopal preaching in this city, and in nowise known
its the Northern portion of the Ohurch, unless
known to them through the publication of our city
beapers, and might never have been known here but for
the persistent afforts of the defendant to eject the reputed grand-child of the testator from the premises she
now occupies, until the question now before the Court
shall be decided. This person is a legate under the
will, but was sought to be excluded from her rights and
interests by the defendant. This was the cause of the
action. You will see, by reference to the will, that Jane
Mokee, the legates above mentioned, is entitled to a
two-fold legacy, first, by the bequest of real estate;
and second, the executor of the will was directed to allow here a reasonable support. Upon the occupation of
the Churches and Church property. It was then that
the facts of this case came to his knowledge; and
placing a charitable and just construction on the
placing a charitable and just construction on the
value of the testator, he allowed this woman to
remain, and occupy.

The heavier of real. Beyong this, Mr. Janess
has in no way interfered with the property of this destate; but the woman has remained in possession, by
the advice of her counsel, and the Provost Marshal refused to eject her from the premises, thourh applied to
by the defendant. And the effort of this defendant, by
his cost, we shall be a pounder reverend gontleman of the
M. E. Church is without a cause, which was shown on
his cross-examination, But in regard to the question now
before the court, viz. who is entitled to the possession of
this property, we are fortunately brought within narrow
limits by the will, on which our claim is based, and no
wide range of controversy is open before us. The defendant's claim is one m

ant's claim is one merely of trust, and nots rightful ownership in himself. He merely claims as the administrator on the esiste of Abel McKee, which ceased by the merely on the death of David Gibson McKee, he being the result of the death of David Gibson McKee, he being the result of the death of David Gibson McKee, he being the result of the death of David Gibson McKee, he being the result of the death of the death of the result of the death of the death of the death of the result of the death and conferences. It is enough to say in regard to this Plan of Separation, that the Annual Conferences never concurred. The commissioners were not appointed, and could not act if they had been, because the Plan of Separation had no legal force, power, or effect. The Southern Church took with them into their new organization the same restrictions in regard to the powers of the General Conference, that existed in the old Church at the time of their secession. In their General Conference of 1854, they passed by a large majority, a regulation which was incorporated into their discipline, giving a veto power to their Bishops; but their recent General Conference on their discipline, giving a veto power to their Bishops; but their recent General Conference on the substitution of the secession. In their discipline, giving a veto power to their Bishops in such power, for the simple reason, that this change in their administration had not been submitted to the Annual Conferences, and hence had not received this three-fourths approval. Here let me call your attention to a speech in the "Christian Advocate," of April 26th, made by one of the most able Bishops of the Church South at their recent General Conference. The reverend gentleman, speaking of the v-to power above mentioned, said: "I confess to astonishment at hearing an opinion, from those whose opinions if greany respect, that this provise, conferring the veto power on the Bishop, is a law. To my mind, it is clearly not a law, and I doubt whether by any action of ours it can be made one. Nobody will say that it has been submitted to the Annual Conference for their concurrence; and, without this, no fandamental or organic changes can be introduced. It is, therefore, a dead lotter, though it may have found its way in to the discipline, and remained unquestioned until now."

The Caurch South, at the recent session of its Gene-The Church South, at the recent session of its General Conference, wanted to change the name of the Church, and no longer have attached to it a word that would indicate that they were sectional. But the Southern General Conference had not in their estimation, power oven to change the name of the Church; they acted upon the studect as far as they had power in the premises, but the name is not regarded as changed unless three-fourths of the Annual Conferences approve of Canagard Conferences approve of

this action of their General Conference, Look at the 5th article of the Constitution of the United States, and

you will find the same checks and safetylards it around the Constitution as those which grant the Church. It is just as difficult to rights and interest of the Methodist and the Church is run to the Method structure of the Method change the Church as to change the Loo cate Episcopal of this without the three-fourth view of the Church as to change the Loo cate Episcopal do this without the three-fourth view of the Church as the Constitution of the contract of the Annual Constitution of the same the Constitution of the fourth concurrence of the constitution of the fourth concurrence. It is same the Constitution of the fourth concurrence show here the Constitution of the same the power to change the States; but he department of the legal judgment of the lold M. P as what is equally absurd in trying to by its ou the General Conference could separate the old M. P as what is equally absurd in trying to by its ou the General Conference could separate plan as Sturch or make legal any plan of division party asolion. That neither party considered this fave been governed by its regulations.

Yefference to this P an of Separation, it will be sent that neither was to encreach upon the territory of the other by organizing churches. But the old M. E. Church is organizing their churches north of the original boundary in Baltimore and Washington. It appears in evidence that before this the Rev. Bishop Janes was mobbed in Texas while holding a Converence of the M. E. Church, which goes to show, even at that time, the Plan of Separation was not binding. But we are referred to the M. E. Church in Canada as having been set off by the M. E. Church in Canada as having been set off by the M. E. Church in this country, and taking properly with them. But it appears in evidence that this was prior to the existence of cortain restrictive rules, which existed at the time of the secession in 1845.

The Canada division was one in which the Church harmonized and there was no question of its legal force

1845.
The Canada division was one in which the Church

The Canada division was one in which the Church harmonized, and there was no question of its legal force upon all parties concorned.

But nearly at the close of his case, I find my honorable triend on the other side, with almost his last witness on the stand, the lave Mr. Mood, suddenly trying to change his base of operation; we find him flying from his first line of defence, the Plan of Separation; and, with one fell swoop, he takes us into the Supreme Court of the United States. A position once gained, if forthed at all, it would be useless to assait. We find him here trying to intrench himself behind a decree of that Court; but he is without ammunition; it has all been wasted upon the Plan of Separation. The boasted and long-talked-of decree is not forthcoming. Now will they tell us why, they left their Plan of Separation and wont into the court? It was simply because they had discovered it lacked the three-fourths' concurrence of the Annual Conference; and without that courrence, it was of no force or effect. They fired off their last gun; and, while flying from this their last position, they liowled back, We can't show the decircle the vege tall we olarmed." We admit that a lawsuit was had, and the M. E. Church South carried the case un to the Supreme

was of no force or effect. They fired off their last gun; and, while flying from this their last position, they liowled back, We can't show the decroe but "we got all we eldmed." We admit that a lawsuit was had, and the M. E. Church South carried the case up to the Supreme Court of the United States; and there it was left to referees, and one of the reverend winceses says they got all they claimed. They went there upon the question of the Book Fund, and that alone; and they claim "a that upon the very ground which they now deny to the Palzutiffs in this case, viz: their large representation of members, and that a large portion of the fund claim. I had been contributed by the Southern Church, when a that very time the members of these churches, at least in this place, were five colored to one white. In regard to this decree of the referees, we submit to this honorable O wet in the now the contributed by the Southern Church, and they was then invested in the Book Concern, and not to Property, willed, to support preaching in a given locality, but the property in question has never as yet been in possession of the M. E. Church Could take effect upon this property. If the Church South has had any claim whatever upon this property, it must be shown through the M. E. Church Church, falling to them from an of the property of that Church because it being of the gipt the property of that the broperty of the M. E. Church South has had any claim whatever upon this property of the M. E. Church South has had any claim whatever upon this property of the beat of the submit to this charable Court that it must be shown through the M. E. Church, because it being of the gipt the property of that Ohurch, because it being of the dight the property of the South would secure their supposed rights in this property, it must first become the property of the prement Church, or, in other words, be passed over to the plaintiffs in this case, and then the Church South can set up their supposed claim under the plan of separation, to this prop Odurch, it has been elasimed by the reverend witnesses for the defence, that the Glurch South took all the property with them at the time of the separation; this we admit, but not by leaf right; and will they, as their beasted plan of separation implies, take all the property the M. E. Church may ever possess in the South? So it seems by their defence in this suit; and if their plan is valid, they have a much better right to the church of wentworth street, in this ciry, for which the plaintiff recently paid \$20,000 in gold, than to the property now in question; but they have failed to show any legal document by which any of this property would pass to the Church South. And we submit to this honorable Court, that no legal authority will attempt to make it forever impossible for the M. E. Church to hold property south of the boundary line mentioned in their plan of separation.

In a church constituted like that of the M. E. Church, the church itself being a unit, and all local socioties being but branches of this one body, and not independent of the General Conference, there can be no right property which can be carried out of the church recently which can be carried out of the church seconding party. Persons thus leaving a voluntary association, like that of a church leave behind them when they go out all church property sets to church property, which can be corried out of the object of the only way to only the set is to runain within the Property placed at the control of the church is usually church.

or some specified object, for which the donors contribute for the purpose of advancing the interest of the church in its great labors for a world's salvation; but it is never contributed by U.a. true friends of it for the purpose of dividing the caurch, or encouraging secesion from it, but to apply this property to such an obsion from it, but to apply this properly to such an ob-ject would be to diver; it from the original purposes to which it had been donated. Money given to a church may sometimes be forfeited by being misapplied; but in this case the plantiffs have not had as yet any control of the funds, and if the agents mentioned in the will are not trustworthy the will directs what remedy shall be

of the tatte, and it the agents mentioned at the state of all be used.

It is difficult to conceive how a party seceding from a church could, at the time of separation, or at any subsequent period, legally claim property by virtue of that segment period, legally claim property by virtue of that segment which had not as yet become the property of that church from which they seceded.

The property now to question has not come into possession of the Methedist Episcopal Church, and hence no claim of seceders could reach the property until it uses of the Methedist Episcopal Church, and hence no claim of seceders could reach the property until it uses of the property of the Church.

The question now before this Court is, shall the appointed agents of the Trustees of the M. E. Church in this city have the possessio of this property?

May it please the Court, we have proved that these agents are the true representatives of the M. E. Church, and that they have in this place a regularly organized church, according to the discipline and under the sanction of the M. E. Church.

The Rev. Mr. Webster has been a minister in this Church for 29 years, and is now the pastor of that Church in this city; and the Rev. T. W. Lewis has been in the ministry of this identical Church 17 years, and is now the Presiding Edder of the Charleston District. Both of them are now officiating hera as ministers of the M. E. Church, and are members of the South Carolina Mission Conference organized here by an asknowledged Bishop of that Church, which Church has all the functions of a living acting, organization, including a living ministry, and the administration of the ordinances of God.

charch, and are members of the South Carolina Mission Conference organized here by an acknowledged Bishop of that Church, which Church has all the functions of a living, acting, organization, including a living ministry, and the administration of the ordinances of God.

Its trustees lave been appointed according to the displine of their Church, which expressly provides for their annual appointment; and if Mr. Bird and others mentioned as once being the trustees of this Church were elected, as alleged by the detendan, during life or good behaviour, their term of office has expired by their act of secession. It has been shown in evidence that many of these persons, now members of the M. E. Church, were members of this same Church at the time this will was executed, and at the time of its execution a very large majority of the members were colored persons, some of whom are now plaintiffs in this case. They worshipped at the same house with the testator. They knelt around the one altar, and thoir prayers asconded to the same God. They come here now, and ask that they be not excluded fro a their rights, and from the bounty donated to their Church.

It is true these persons have since been out of the old M. E. Church, and have been in connection with the Church South; but it is shown that this change was no voluntary act of theirs. They were taken into the Southern Church by those efficials who need the church records, and controlled the church interests. This change was affected almost without their knowledge, and certainly against their will. They were taken from the church here leaves they have means and unknesses that afterwards took them from the sic tetring folds of the old national banner and launched them and their country into an unfortunate war. My learned friend has said that the denorable for that war? Into over this lot a veil be drawn. The act of secession was passed, and the bright enchantment of peace, happiness and liberty no longer destinguished this land own the rost of the world, but despotism, ty

But it was no fault of theirs, and in this change they never lost their affection for the church from which they had been so unceremoniously taked, but as soon as the liberty of choice was offered, they returned again to the besom of the church, around whose altar they as the liberty of choice was offered, they returned again to the bosom of the church, around whose after they had so often knelt. No one will contend, for a moment, that they have lost their rights under the old government by their connection with the Omfederacy, neither can they lose their rights in the old church by their connection with the Methodist Episcopal Church South. They are still loyal to the old church; and we look to this honorable Court to see, that in their voluntary connection with the church of their choice that they are not deprived of their legal rights. This Church had given them a sacred guarantee that they should not be deprived of their right of membership in it, without a trial by the society of while they were members, and the right of an appeal, and the Court will notice

that this right could not be taken from them by any action of the General Onference of the M. E. Church. They sever have had this right, and those who this deprived them of membership in the church of their choice shuld blush to urge this as a reason why this property sould be taken from them. It is contended that from 148 to 1866 there was no Methodist Episcopal Churchin Charleston, but I submit to the Court, it was not he fault of the plaintiffs in this case, and if not their sail, shall it be made their misioriume, by taking frod them rights which must have been unquestionably tiers, if they had been permitted to hold their connection with the church of their choice? They have been heavily and constantly taxed for years, to support schurch in which they were not represented, and shall tey now have a penalty indicate upon them because they were obliged thus to submit to the control of others. Mans of them have been impoverished by this war, for which they were in no way responsible, and without usans, save their daily issuer, they are entitled.

We put, not to this bonocule. Court, that the will of the testator speaks clearly and definitely, and the Court is in duly bound to see that its provisions are carried in the elegal justice, hey are entitled.

You will notice by careful attention to the will, which is admitted as being the only one that has any legal force in the premises, and that the General Conference has no control or power-ver the property in any way or form wistover, nor coult it have been controlled by the Annual Conferences confurring or any executive power of the Methodist Episcopal Church North or South. It is not among the legal percogatives of even the parties mentioned in the will lochange of direct this property of the Church. To edge the parties of the Church. To dispance of the church, for a given purpose, and cannot he connected to the church, for a given purpose, and they in the church, for a given purpose, and the will this property by the testator is only made the property of the c

May it please the fourt, the ministers of the M. E.

(Introl. South are not the ministers of the Methodist Episcopal Church. There two church organizations are into the state of the affect of the af

One work in regarder of the control their adm atton and improvement. With these suggestions, I submit, in confidence, the question of legal rights in this case to the decision of this Honorable Court.

Facts vs. Theories.

"Giyo me a place to rest my lever on," says Archimedes, "and I will move the world." "Give me pure and unadulterated drugs," says "Medicus, of the olden time, "and I will cure disease."

In one sense, both of these learned pundits were the veriest charlatans. They knew there was no

place to rest their levers on, either to move the world or to cure disease. Mechanism was in a backward state, and the medical profession was but another name for sorcery and all the adjuncts of magic filters and charms against the effect of

ovil eye," &c. But these latter days have borne unto us some thing more than even superstition and its crew ever dreamt of in their maddest philosophy. In these days of practical science, what was theory of yesterday is fact to-day, and all the old time notions become as bubbles in the sun, and burst

notions become as bubbles in the sun, and burst and break with every breath we draw.

Let Archimedes shoulder his lever and we will find a resting-place for it to move the world. Let mine ancient Medieus pant and toil no more for the drugs he so sorely needs, for we have them at our hand, ever ready to serve them at his beck.

Refued in the laboratory of Dr. Maggiel, the fluest materials known in the medical profession are obtainable by any one. His Bilious, Dyspeptic, and Diarrhora Pills stand unrivaled, and his Salve operators with marie effoct muon burns.

tic, and Diarrhora Pills stand unrivated, and his Salve operates with magic effect upon burns, and all seres and ulcers of the skin.

In fact, we think Maggiel's Pils and Salve are the wonder of this century, and we are happy in the thought that many others of our brothern of the craft agree with us. We would carnestly counsel that all families provide themselves with Dr. Maggiel's Preparations at once, and keep them ready at hand, so as to use them at the most opportune time and as occasion serves.—Valley Sentinet.

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Letter from the Rev. N. E. GILDS, St. Clairsville, Pa. GENTLEMEN:-You were kind enough, on a former ocasion, to send me a half dezzen bottles of Plantation Bitters for \$3 50. My wife having derived so much benefit from the use of these Bitters, I desire her to centinue them, and you will please send us six bottles more for the money enclosed. I am, very traly, yours,

N. E. GILDS, Pastor Ger. Ref. Church,

SOLDIERS' HOME, SUPERINTENDENT'S OFFICE, OINCINNATI, ORIO, Jan. 18th, 1863.

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TESTIMONY OF RECOMMENDATIONS

From Medical gentlemen, Professors of the highest Opthalmic talent in Charleston, S. C., and in the Union

OHARLESTON, S. C., Mey 28th, 266, tured by Professor M. BERNHARDT, and in partice to the quality, adapted to meet the wants of coff a superior where the vision to Professor must say, that his classes are quality, adapted to meet the wants of r of a superior where the vision is in any way improved the vision is in any way improved the professor selected for me. a pair of r feet. The Professor manship, rendering vision r of order quality and work feet as in youth. I yield rely distinct, almost as perfect as in youth. I yield rely distinct, almost as perfect as in youth. I will be the rely distinct, almost as perfect as in youth. I gled the rely distinct, almost as perfect as in youth. I gled the rely distinct, almost as perfect as in youth. I gled the rely distinct, almost as perfect as in youth. I gled the rely distinct as the rely distinct as the rely distinct as a superior where the rely served the rely distinct as a superior where the rely served the rely distinct and rely distinct as a superior where the rely served the rely distinct as a superior where the rely served the rely distinct as a superior where the rely served the rely distinct as a superior where the rely served the rely distinct as a superior where the rely served the rely distinct as a superior where the rely served the rely distinct as a superior where the rely served the rely distinct as a superior where the rely served the rely distinct as a superior where the rely served the re

I cheerfull the value of concur in the opinion above expressed of adapts of Professor BERNHARDER Glasses, and their and ullity to all deforts of vision, and also to his skill rulgment in adapting the glass to each special imprefection.

H. W. DESAUSSURE, M. D.

CHARLESTON, S. C., May 28th, 1886.

I do most willingly bear my testimony in favor of the superiority of the Australian Or, stall—single and double vision spectacles over all other kinds. They are obstructed upon the best established and understood principles of optics, and their adaptation to the human eye in its different conditions of vision is so perfect, as to render sight easy without effort. In my opinion, none others should be used since the eyes once used to those do not seem to grow old, and by having a focus at any point of the surface, they appear to rest o'er the eyes to their youthful energy.

T. L. OGIER, M. D. OHARLESTON, S. C., May 28th, 1866.

I have examined Professor Bernhandts' very complete assortment of Spectacles and Lenses. They are better adapted than any I have before so n to remedy the importedition of vision that can be benefitted by the use of classes. The pureness and clearness of the Orystal used, is an item worthy of special attention, as I can testify from personal experience. I recommend Professor Bernhandt with confidence and great cheerfulness, to the patronage of the public.

JAMES P. JERVEY, M. D.

JAMES P. JERVEY, M. D.

STATE OF SOUTH CAROLINA, EXECUTIVE DEPARTMENT, Columbia, June 19, 1868,
Sir: I have made full and satisfactory test of the spectacles procured from you, and I have the pleasure to say that the glasses are better adapted to my eyes than any I have everused. The facility with which you inted the glass to my eye furnished me conclusive evidence of your scientific skill in optics and your thorough experience as an coulist.

experience as an ocullet.
Your attainments in your profession entitle you to
the confidence, patronage, and gratitude of the public.
I have the honor to be,

I have the honor to be,
Very respectfully yours,
JAMES L. ORR,
Governor of South Carolina.
Prof. M. BERNHARDT, Charleston, S. C.

Prof. M. BERNHARDT, Charleston, S. C.

CHARLESTON, S. C., May 28th, 1868.

We have examined the Lenses of Prof. Bernhardt, and consider them superior to any we have seen. They are admirably adapted not only to improve the imperfections of impaired sight, but to relieve the weariness of vision which constant study produces. Many of the Chasses are of new and ingenious contrivation. We cordially recommend the Professor to all those who require scientific optionl assistance.

ELIAS HORLBECK, M. D.

WILLIAM C. HORLBECK, M. D.

WILLIAM C. HORLBECK, M. D.

W. H. HUGER, M. D.

F. PEYRE POROHER, M. D.

R. A. KINLOCH, M. D.

F. M. BOBERTSON, M. D.

OUAS. HANOKEL, late Rector of St. Paul's Church, Radelineborough, Charleston.

THOMAS SMYTH, D.D., Paster of 2d Presbyterian. Church.

L. S. HANOKEL, Professor.

Church.
J. S. HANCKEL, Professor.
W. B. HOWE, Rector St. Philip's.
C. P. GADSDEN, Rector St. Luko's.

Testimonials similar to the above may be seen at Prof.

BERNHARDT'S office, from JOSEPH H. PLUNKETT, Pastor of St. Paul's, Ports-

JOSEPH II. PLONKETT, Pastor of St. Patts, Pottsmonth, Vs.
Hen. JONATHAN WORTH, Governor of North Carolina,
Hon. A. G. OURTIN, Governor of Pennsylvania,
Hon. D. P. MORTON, Governor of Indiana,
Hon. H. A. SWIFT, Governor of Minnesota,
Hon. ALEX, RAINEY, Ex-Governor of Minnesota,
Hon. RICHARD YATES, Governor of Illinois,
II. SEYMOUR, Governor of New York,
K. E. FENION, Governor of New York,
And other distinguished gentlemen.

Many years of public practice and study in the hospitals in Europe, adjusting spectacles to patients under every aspect of defective vision, as well as experience in an extensive, long-established business in his optical stores, both here and in Europe, Prof. Durnhampt considers it a sufficient guarantee of his ability to apply such glasses as are best calculated for the assistance or revery of imperfect sight.

Office Hours from 9 A. M. to 5 P. M. MILLS HOUSE, LADIES' ENTRANCE, Second Floor, Private Parlor No. 3.

N. B.—Owing to engagements elsewhere, Frof. Herry Hardy will be able to remain here but a short time only. May 31