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## Proceeding of an Ex Parte Council Held at the First CongregationalChurch Nov. 1868

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PROCEEDINGS

OF AN

EX PARTE COUNCIL,

HELD AT THE

*First Congregational Church,*

WASHINGTON, D. C.

*NOVEMBER 18th to 20th, 1868.*

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1868.

## MINUTES OF COUNCIL.

An ecclesiastical council, in response to letters missive from a minority of the First Congregational Church, Washington, D. C., met at 12 m., on Wednesday, November 18th, 1868, in their house of worship, corner Tenth and G streets.

The council was called to order by Rev. E. K. Alden, D. D., of Boston; and, on motion, Rev. Thomas Wickes, D. D., of Marietta, Ohio, was chosen Moderator, and Rev. Edward Hawes, Philadelphia, Scribe.

The following letters missive were read:—

*Members of the First Congregational Church  
of Washington, D. C.,  
To the Central Church of Philadelphia, Penna.:*

GREETING:

*Whereas*, Unhappily, a state of things exists among us which in the judgment of a large portion of the church renders it necessary that we have the advice of a council; and

*Whereas*, Efforts extending through nearly eight months have been made to secure a mutual council, which the pastor and another portion of the church have in various ways defeated:

*Now therefore*, We, the undersigned, representing the said portion of the church who deem the council necessary, and acting under their appointment, do affectionately invite your attendance by your pastor and delegate upon an *ex parte* council to be convened in the First Congregational Church, in this city, on the 18th day of November next, at 12 m.

We propose then and there to submit for your advice the question of the dissolution of the existing pastoral relation; the late action of the church in removing two of the deacons

without charges made or hearing had, and all the other difficulties which are now disturbing the peace of the Church.

The following churches are invited:

First Trinitarian Church, St. Louis, Mo.; Congregational Church, Harlem, N. Y.; Congregational Church, Marietta, Ohio; Mt. Vernon Church, Boston, Mass.; Plymouth Church, Cleveland, Ohio; Phillip's Church, South Boston, Mass.; Centre Church, New Haven, Conn.; Congregational Church, Rutland, Vt.; Second Congregational Church, Hartford, Conn.; North Church, New Bedford, Mass.; Tabernacle Church, New York City; Central Church, Philadelphia, Penna.; Church of the Pilgrims, Brooklyn, N. Y.; First Congregational Church, Baltimore, Md.

Also the following individuals:

Edwards A. Park, D. D., Andover, Mass.; Leonard Bacon, D. D., New Haven, Conn.

\* \* \* \* \*

O. O. HOWARD,  
S. H. HODGES,  
W. F. BASCOM,  
D. L. EATON,  
DANIEL TYLER.

WASHINGTON, D. C.,

October 24th, 1868.

*To the Central Congregational Church,*

*Philadelphia, Penna.:*

DEAR BRETHREN:

Apprehensive that our letter missive inviting you to meet in council in reference to our affairs, on the 18th inst., may lack proper formality, we request leave to supplement it by the following added clause:

We, as an oppressed and aggrieved minority of the church, by the pastor's influence over the majority denied even a church meeting in which to plead for ourselves and for what we believe to be the truth, as well as the opportunity to lay our situation before a mutual council, and as we fully believe

(unless you can help us) doomed to see this church lost to our denomination and hopelessly destroyed, respectfully and most earnestly request your presence at the time before named to consider our sad case and to offer us the aid of your fraternal counsel.

We have asked for the presence of the acting pastor of Centre Church, New Haven, Rev. G. L. Walker.

Affectionately,

O. O. HOWARD,

S. H. HODGES,

W. F. BASCOM,

D. L. EATON,

D. TYLER,

*Committee.*

WASHINGTON, D. C.,

*November 5th, 1868.*

The council was composed of representatives of the churches, as follows:

First Trinitarian Congregational Church, St. Louis, Mo., Delegate, Hon. S. B. Kellogg.

Congregational Church, Harlem, N. Y., Pastor, Rev. S. Bourne; Delegate, Edgar Ketchum, Esq.

Congregational Church, Marietta, Ohio, Pastor, Thomas Wickes, D. D.

Mt. Vernon Church, Boston, Delegate, Deacon Andrew Cushing.

Phillip's Church, South Boston, Pastor, Rev. E. K. Alden, D. D.; Delegate, Brother Moses C. Lang.

Centre Church, New Haven, Prof. A. C. Twining, LL. D.

Tabernacle Church, N. Y., Brother Thomas S. Berry.

Central Church, Philadelphia, Pastor, Rev. Edward Hawes; Brother Theodore Bliss.

First Congregational Church, Baltimore, Pastor, Rev. Edwin Johnson; Brother Martin Hawley.

Prayer was offered by Rev. Mr. Johnson. Dr. Alden then called for the records of the church relating to any efforts made for the securing of a mutual council. And, in response, letters were presented, one dated November 7, 1868, from the

scribe of the committee appointed by the minority, asking of the clerk of the church, that he would furnish for reference the records held in his possession; and one dated November 10th, 1868, written by Dr. Boynton, and presented by the clerk as an answer to the above. The records not being produced, Mr. W. F. Bascom, on behalf of the minority, proceeded, at length, to give information respecting the attempts that had been made by the minority for securing a mutual council. After the conclusion of his statements, it was moved by Dr. Alden, "That this council courteously request of the clerk of the First Congregational Church, the use of the records of the church to assist in their deliberations." Dr. Alden and Brother E. Ketchum were appointed to present this request of the council. They received the following reply:

Messrs. E. K. ALDEN and EDGAR KETCHUM,  
*Committee of Ex parte Council.*

SIRS: Your communication asking for the records of First Congregational Church, Washington, was duly referred to the committee appointed to call a mutual council, and I am instructed to furnish the *ex parte* council any information contained in the records.

Respectfully, yours,

C. H. BUXTON,  
*Clerk First Congregational Church.*

WASHINGTON, D. C.,

November 18th, 1868.

While this conference of the committee with the clerk of the church was being held, various letters were read from churches invited to a former *ex parte* council, expressive of their opinion of the desirableness of securing, if possible, a mutual council. The report of the above committee being received, it was, on motion of Rev. E. Johnson, voted, "That council being satisfied with the evidence presented, of efforts on the part of the minority to secure a mutual council, do now proceed under the call by which it was convened." It was still further voted, on motion of Mr. Johnson, "That a committee be appointed to confer with the pastor and majority of the church and earnestly

to request that they will unite with the minority and with us in the endeavor to learn what is truth and duty with reference to the subject that has called us together." The committee appointed by the chair consisted of Rev. Mr. Johnson, Thomas S. Berry, and Professor A. C. Twining. It was then voted that the council take a recess till 7 o'clock P. M.

The council met according to adjournment.

After a season spent in devotional exercises, the report of the Committee of Conference was presented by Rev. E. Johnson, as follows:

"Your committee have attended to the duty assigned them, and hereby report:

"That the pastor and committee representing the majority of the church decline to appear before the present council in a mutual effort with the minority to secure a just and harmonious result.

"Your committee after hearing this decision, on their own responsibility, put the following question:

"Whether in case the minority would consent to place a statement of their grievances before the council which, it is understood, has been called to meet in January next, so that the council then to assemble might be able to mediate between the majority and minority as a mutual council, they would be allowed to do so?

"This question was answered in the negative.

"We will only add that the conversation was kind, earnest and protracted, but without the possibility on our part of securing a conclusion more in accordance with your wishes and our own."

EDWIN JOHNSON,  
THOMAS S. BERRY,  
ALEX. C. TWINING.

Appended to this report was the following statement from the committee representing the majority of the church:

"We decline to make this *ex parte* council a mutual council.

"In the mutual council now called by the church for the

13th of January next, any member of the minority in the church will have the same rights with any other member.

“ We do not propose to recognize the minority as an organized body to be represented as such in the council.

J. W. RUMSEY,  
N. B. BARTLETT,  
JAMES S. DELANO,  
R. N. STEVENS,  
A. L. STURTEVANT,  
CHAS. B. BOYNTON,

*Pastor.*

The clerk then, by request, read the record of the action of the church with reference to the calling of a council on the 13th January, 1869. He also read the letter missive, by which such council is invited. On motion, such portions of the church records as bear at all on the questions at issue were read by the clerk. Following this reading, was a protracted discussion, touching many points of congregational law and usage, but bearing mainly on the question: Is it not still possible to secure, in the interests of the First Congregational Church, Washington, a council that shall be really mutual? Remarks were made by Dr. Boynton, and others representing the majority; after which, it being evident that no concessions would be made to the minority, and that the purpose to refuse them the right of being one party, in the calling of a mutual council, was fixed, it was, on motion of Brother E. Ketchum, “*Resolved*, That the members of this church who have called this council, be now requested to make a statement of the grounds upon which they have made such call.”

The council then adjourned to meet in the same place on Thursday, at 9½ o'clock A. M.

Thursday morning. The council met according to adjournment. After prayer by the Moderator, the minutes were read and approved. Papers bearing on the matters at issue, additional to those presented on the preceding day, were then read by the clerk of the church. It appearing that these papers had not been entered on the church records and had not been



presented to the church for their approval, objection was made by some members of the minority to certain statements of fact which they contained. It was then, on motion of Rev. Edwin Johnson, voted that "The council respectfully request a copy of the letter missive, prepared by a committee of the church, for the calling of a mutual council on October 13th, 1868, to which letter it is alleged, the members of the committee representing the minority refused their signature." The scribe of the council, as directed, presented a request for the letter referred to, and received the following in reply.

REV. EDWARD HAWES,

*Clerk of Ex parte Council:*

Your communication asking a copy of letter missive, prepared by a committee of the church appointed to call a mutual council to convene October 13, was referred to that committee, and I am informed that the whereabouts of the original letter is not known, so that a copy of it cannot be furnished you. The committee, however, state that the substance of this letter was the same as that contained in the report of the committee appointed to reconcile difficulties acted upon by the church, at a meeting held June 30, 1868.

Respectfully,

C. H. BUXTON,

*Clerk Congregational Church.*

WASHINGTON, D. C.,

*November 19th, 1868.*

Mr. W. F. Bascom, conducting the case for the minority, laid before the council a printed paper, with this heading: "Charges and specifications touching Dr. C. B. Boynton." The point immediately made by Dr. Alden was, that the paper could not be properly presented to this council; and after an explanation by the minority that the paper was designed by them to serve merely as a memorandum for their convenience and that of the council, it was, in accordance with leave given, withdrawn. Dr. Boynton here desired the privilege of presenting, on behalf of the majority, a protest against the pro-

ceedings of the council. Objection was made by Brother Edgar Ketchum to the reading of the paper, on the ground that it was not the proper time to introduce it; the first order of business having been fixed, and that business being yet unfinished; but he would not object to its presentation, in due order, at the conclusion of that business; and it was not received. Mr. Bascom then proceeded to state the object of the minority in calling an *ex parte* council. He regarded as the source of the difficulties now dividing the church, the existence of personal feeling on the part of Dr. Boynton against Gen. O. O. Howard. Mr. Bascom then made extended remarks respecting the persistent opposition of the pastor to the wishes of the minority, with regard to calling a mutual council. He claimed that the acts of Dr. Boynton in manifesting this opposition, were not in accordance with Congregational usage, and also that they were in themselves unjust. He still further cited a case of church discipline, resulting in the suspension of a member from this church, in consequence of the writing of a private letter, before the orderly steps marked out by our Lord, in Matt. 18th, had been taken, and before the offending member was allowed an opportunity of defence. He also specified the action of the church in removing two of the deacons without charges made, or hearing had.

The council then took a recess; after which, Mr. Bascom resumed his statements. He referred to questions, objected to at the time, but still urged by the pastor, proposed to those presenting themselves for admission to the church, as to their purpose, to be on the side of the pastor, or otherwise. Mr. Bascom stated that in consequence of the facts referred to, and also of what he denominated the "caucus system," by which matters of great importance were not discussed in public church meeting, but simply voted on; it had become the settled conviction of the minority, that the future welfare of the church could be secured only by a dissolution of the present pastoral relation.

It was moved that evidence be now received on the points already noticed. The first witness called was General O. O. Howard. He was questioned respecting the removal of his name from the charter; occurrences at the time of a preparatory

lecture, when the chair was vacated by Dr. Boynton; the kind of examination to which persons were subjected when applying for admission to the church; the spirit of the meeting when the Board of Deacons was, without previous notice, declared vacant; and the proportion of moneys raised at home and abroad by the minority and majority. From the answers of General Howard, it appeared that in many respects, the action of the church had been of an extraordinary and oppressive character, and also, that the minority included both those who had raised nearly all the funds for building and other church purposes, and a large proportion of those who are doing the religious work of the church. Various other witnesses were examined, whose testimony was corroborative of the statements already made. From the testimony of Mr. E. W. Robinson, it appeared that during the early history of the church, it was the custom for only male members to vote, but that universal suffrage became a fact, when the pastor sought additional votes for the accomplishment of his own purposes. After various suggestions by different members of the council, it was, on motion of Mr. Ketchum, voted that the council take a recess till 6½ o'clock p. m.; and that the examination of witnesses on the part of the minority be concluded in one hour from that time.

Met according to adjournment. Prayer was offered by Mr. Berry. Some further testimony was presented on the part of the minority, showing that colored persons on seeking admission to the church, had felt that they were not welcomed, but by some were repelled. In addition to the above testimony, documentary evidence was laid before the council. After the evidence was concluded, Rev. Dr. Alden moved "that the pastor and committee of the majority of the church have permission to introduce testimony in explanation or correction of statements made by the witnesses of the parties calling this council." It was then moved by Prof. Twining "that the Rev. Dr. Boynton have an hour to offer, on behalf of himself and his church, his or their views appropriate to the matters before this council." During a discussion occasioned by a falsified record of the doings of this council, which appeared in the "Evening Star" of this city, Dr. Boynton declined

presenting any protest, or making any statement to the council.

The council then went into secret session, and after a protracted conference adjourned till 9½ o'clock A. M., on Friday.

Met according to adjournment, and after a careful comparison of views, the council came unanimously to the result following these minutes.

It was moved that a copy of this result be presented to the minority, and to the clerk of the church.

It was further moved, that after the reading of the result of council, and after remarks and prayer by the Moderator, the council be declared dissolved.

THOS. WICKES, *Moderator*,

EDWARD HAWES, *Scribe*.

WASHINGTON, D. C.,

November 20, 1868.

## RESULT OF COUNCIL.

The grave importance of the subject matter submitted to this council, will justify a somewhat detailed statement.

1. We entered upon and have continued our labors with a solemn sense of accountability to the Great Master, and to the churches of our country, to whom this First Congregational Church of Washington is an object of peculiar interest. It has been our earnest desire and hope to do something which, by the Divine blessing, might help to restore harmony and union where these had been lost, and where the loss was so deeply to be lamented. Whatever may prove to have been our success or failure, we cannot but render to our Heavenly Father most hearty thanks that we have been of one mind and heart concerning all important decisions upon the sub-

jects brought before us for opinion and advice; so that every vote passed has been with entire unanimity.

2. From the records of the church and other evidence presented, it was made plain to the council that earnest efforts extending through a period of several months had been made by the aggrieved members, that a mutual council might be called by the church and by the aggrieved members, and that this request had been refused, so that the call of an ex parte council seemed an absolute necessity, and in conformity with established congregational usage.

In coming to this conclusion, the council first inquired into the steps taken by the aggrieved members, prior to the call for their council, dated October 24, 1868, to obtain a mutual council.

From the evidence presented, we find that as early as the 18th of March last, at a regular church meeting called at the request of the aggrieved members for that purpose, a mutual council was asked, and the motion was laid upon the table. That subsequently on the 4th of May, at a meeting of the church, General O. O. Howard submitted a proposition for a mutual council, with the statement that if the same was refused, they would call an ex parte one, and this motion was laid upon the table without discussion. An ex parte council was subsequently called to meet in June last. A protest against the meeting of said council from the pastor and a part of the deacons, was sent to the invited churches, which protest does not appear by the records, either to have been submitted to or authorized by the church, at any regular or called meeting thereof. This protest called forth from several of the churches invited, earnest and fraternal communications, urging a mutual council, and addressed to the authors of the protest and the church, as well as to those who had invited an ex parte council, which letters were not communicated by the pastor to the church.

On the 30th of June, a regular meeting of the church was held, the records of which meeting are not on the record book of the church, but on inquiring why this omission occurred, the original minutes of the meeting were produced and read by the clerk of the church for the information of the council.

At this meeting a committee was appointed, consisting of the pastor and three members of the majority, and two members of the minority so called, to prepare a call for a mutual council. The minority asked for an equal representation on the committee, which was refused, on the ground that the parties to the call were the pastor and the church. A protest of one of the members to this decision was offered, but it was not allowed to be entered on the minutes.

The committee thus appointed, agreed upon the churches to be invited to meet on the 13th of October, though it was understood that the minority as a body would have no standing in the council.

Dr. Boynton prepared a long letter missive (which letter was not among the minutes, and neither the original nor a copy could be obtained by the council) and sent it to the committee. This letter was not satisfactory to the minority of the committee, and they declined to sign it in that form, but would append a note to the effect that they concurred in inviting the council. Dr. Boynton objected, and the letters were not sent. Afterwards Dr. Boynton publicly in the church on Sunday, September 6, tendered his resignation as pastor, to take effect on the 1st of March, 1869.

In the early part of October, a written request, signed by some twenty-five members of the church, was presented to the pastor, to appoint at the services on Sunday, the 11th of October, a church meeting to be held on the 13th October, for taking action on his resignation of the 6th of September.

This request was not read, or the meeting called as asked, but the pastor gave notice that a meeting would be held on the 20th of October, without stating the object. On the 18th October, at the morning service, the pastor withdrew his resignation, at the written request of a large number of the church, and said the meeting on the 20th October would not be held.

It is clear from the evidence that the members of the church who have called the ex parte council here convened, have for a long time felt aggrieved by the action of the pastor and the church, and they have during a long period earnestly desired and repeatedly requested, the call of a mutual council in accordance with congregational usage, and as they were in duty

bound, to redress the matters complained of, and to promote the peace and prosperity of the Church of Christ, of which they are members; and they have used all reasonable efforts to procure such mutual council without success.

3. Feeling how important it was to the interests involved, that not only the party calling us, but also the party with which they were at variance, should consent to appear and submit their grievances to our consideration, we at the outset appointed a committee of our number respectfully to solicit such co-operation on their part. The committee so appointed, after a protracted interview with the pastor and a committee representing the majority, returned the following report. (See page 5.)

The proposition to make this ex parte council a mutual one being thus declined, and a negative answer being given to the question whether the council called to meet in January next, would be allowed to assume a mutual character as between the parties at variance, we considered it our duty to proceed according to the tenor of the letters missive.

4. Notwithstanding the refusal above noted, we are happy to say that the pastor and the committee of the church were present at our opening sessions, and furnished, through the records of the church and other documents, and through their own statements and inquiries, important light upon the matters brought before us.

5. Also, notwithstanding their refusal to enter the council on equal footing with the minority, we on our part were willing to yield to them the privilege of reply to statements and testimony furnished us by the party who requested our advice. Accordingly on the conclusion of the testimony referred to, a vote was passed as follows: "That the pastor and committee of the majority of the church have permission to introduce testimony in explanation or correction of statement made by the witnesses of the parties calling the council." This liberty was declined as being inadequate. It was then voted "that the Rev. Dr. Boynton have an hour to offer, on behalf of himself and his church, his or their views appropriate to the matters before this council." One hour and a half having been named as a suitable limit for the presentation

of statements, the pastor replied that probably one hour would be fully sufficient. He was about proceeding to read a protest against the assembling and action of this council, when a question was raised as to the manner in which this and other documents not yet presented to the council had already found their way into the public prints, and were being circulated through the city, as part of the doings of the council. Pending this inquiry, and a brief discussion upon it, the pastor declined to make any further statement to the council, and accordingly withdrew, thus putting a period to our efforts to secure for himself and the majority a further hearing.

6. We desire to speak in warm terms of the spirit manifested by the minority in presence of the council. Whatever may have been their faults of temper or of speech heretofore, and without testimony on that point we may assume that they have not been faultless, they have exhibited to us in the presentation of their case a composed, candid, and conciliatory disposition.

7. From the evidence before us, we must conclude that the minority have been and are sincerely desirous of having all the difficulties in the church submitted to a mutual council, to which the majority and themselves should hold the same relation as parties thereto. Most gladly indeed would they accept the churches invited by the majority to meet January 13, as composing a body than which none could be more able or more willing to deal justly and truly with the whole case. But thus far they are unable to get consent of the majority to be represented before that council as a party in the questions at issue.

8. We have had laid before us convincing evidence of hasty and irregular action on the part of the pastor and the church in the transaction of the business of the church, endangering the character of the church as a congregational body; the meetings being sometimes disorderly—opportunity for the full discussion of important matters not being always allowed, and the Moderator, while occupying the chair as presiding officer, taking part in the debate, and thus securing undue advantage. We think the action in the summary removal of the deacons from their office was, to speak in the mildest form, very in-



judicious, and that the action was both hasty and irregular in the summary suspension of one of the members of the church before the proper preliminary steps in church discipline had been taken.

We also believe that the repellant attitude in which the church was placed toward our Christian brethren of the colored race, by the manner in which the examination of certain persons of that race proposing to unite with the church was conducted, and by some of the public utterances of the pastor afterward, is in serious conflict with the expectation of the congregational churches at large concerning the policy which this church would pursue—seeking to realize the law of liberty, equality and fraternity in the kingdom, of our Lord and Saviour.

9. Concerning the dissolution of the pastoral relation, the case presents itself to us thus: On the one side are a majority of the church members warmly attached to the pastor, and entirely opposed to the change in his official relation. Their devotion is in itself highly commendable, and their judgment is entitled to much deference.

On the other side are sixty-five or more members, about one-third of the church, who comprise a large amount of intelligence and moral worth, and among whom is one everywhere honored and beloved, through whose assiduous and self-denying labor, and in part in tribute to whose patriotic service and sacrifice, by far the larger portion of the money for building this beautiful sanctuary was obtained.

Surely the conviction of such a minority as to the necessity of the pastor's withdrawal, in order to the prosperity and peace of the church, is worthy of the gravest consideration.

While, then, if compelled to judge solely by the evidence obtained by us, acting in our capacity as an ex parte council, we should assign to the spirit and methods of the pastor so much responsibility for the troubles of the church as to make his withdrawal in our judgment expedient, we are fully and emphatically of the opinion that the case is one that demands the advice of a mutual council, before which all the facts and considerations bearing upon it might be made the basis of examination and advice.

In view of these facts the council is unanimous in presenting to the aggrieved minority the following advisory suggestions:

1. That they take special heed to their own words and acts, endeavoring to show in every respect a kind, charitable and Christian spirit, in all conferences among themselves, and in all dealings with the church and pastor.

2. That after prayerful deliberation they present a written request to the church of which they are members, asking in a courteous and respectful manner that they may have the privilege of being represented before the council called to meet January 13, 1869, with the full opportunity of submitting to that council all matters pertaining to their difficulties with the church and the pastor. We sincerely hope that such a request will be granted by the church, and will thus attest to the sincere desire of the pastor and the church, as well as of the minority, that that council should be a mutual one, in the sense that it is called in the interests of both parties in the controversy.

3. In the event of a refusal on the part of the church to this request, we advise the minority quietly to await the action of that council.

It is our full conviction that if this course is followed, the members of the council called to meet January 13, will be able either to act as a mutual council, or to prepare the way for such a council, which shall thoroughly investigate all matters pertaining to the welfare of the church, in a manner impartial and satisfactory.

In closing, we desire once more to call special attention to the relation the First Congregational Church of Washington, D. C., holds to the congregational churches of the country, that around it to an unusual degree has gathered the affectionate interest of all these churches, toward it have flowed their generous contributions, and with it abide the sympathies of multitudes of Christian hearts throughout the land. We fervently pray that the members of this beloved church may soon see eye to eye, and may keep the unity of the spirit in the bond of peace.