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NEW YORK, November 3d, 1852.

REV. J. S. EBAUGH  
Appellant,  
In the matter of complaint of  
REV. W. R. GORDON,  
vs.  
REV. JOHN S. EBAUGH, in

Protest against and appeal from the Classis of New York in the matter of complaint and charges of Rev. William R. Gordon, tabled against the Rev. John S. Ebaugh, in the meeting of said Classis, Oct. 19th, 1852.

I hereby enter my solemn Protest against the propriety or the equitable authority of the Classis of New York, and especially of the following persons as members of said Classis, to act either as accusers, prosecutors, or judges in this case, viz: Drs. T. De Witt, John Knox, T. E. Vermilyea, J. H. Hardenbergh, George H. Fisher, C. Vandersdale, J. N. Marselus, Rev. A. R. Van Est, John C. Guldin, W. T. Van Doren, Jeremiah S. Lord, Rev. Mr. Lloyd, T. W. Chambers, and W. R. Gordon—together with the Elders who have acted with them in the case decided by General Synod, in June, 1852; and this for the following reasons, viz:

1. Because all of the above persons are obviously more or less implicated and identified with the Rev. W. R. Gordon, as proved by the very language of his complaint itself in the matters complained of.

2. Because said charges and specifications are not actionable according to the express declarations of the Constitution of the Reformed Dutch Church of North America, and the laws of the commonwealth of New York—as consisting of *words spoken and statements and allegations made on the floor of Classis and Synod* by way of *answers to and in defence of myself* and the Church of which I am Pastor, against the attacks made upon us; by certain members of the Classis of New York.

3. Because said members of the Classis of New York are utterly disqualified from setting or acting as either accusers or judges, in any complaints or charges made against me, by the notorious fact, that by the decision of the General Synod of the Reformed Dutch

Church of North America, as our highest Ecclesiastical judicatory, at its recent meeting held in the city of Williamsburgh, in June 1852, and by the still more recent decision of Chief Justice Samuel Jones, of this city—in the case of Classis against John S. Ebaugh—the seal has been enstamped upon the above persons, who hunted up, reported, tabled said charges against me, prosecuted me on them, and finally, proceeded to the highhanded extremity of suspending me; *on these charges*, from the Gospel Ministry, as being false accusers, and biassed erroneous and unjust judges in the premises, and therefore, are, as such, utterly disqualified to either table charges *before themselves, against me*, or to set as judges on any subjects connected with the trial between said Classis and myself, and in which said Classis was so completely defeated by the decision of the General Synod of the Reformed Dutch Church, in its meeting in June, 1852, and which the very statements in the bill of complaint of the Rev. W. R. Gordon prove they are.

4. Because said members of Classis of New York have given such culpable evidence of clanning together, in order to carry through their views and designs against various parties, as to render it indispensably necessary for the maintenance of equity, and even handed justice towards the persons and parties appealing from the decision of said Classis to the Particular and General Synod of the Reformed Dutch Church, to administer the most severe and unequivocal rebuke to them for their wrong doing in all and every one of the three appeals carried up from said Classis to said Synods, by sustaining all said appeals, and thus reversing the decisions of said Classis, and restoring to their legitimate rights and immunities, the parties thus maltreated by said members of Classis. A lesson one should think sufficient to teach those members of Classis aluded to, to repent of their evil doings and henceforth learn to do well, by “dealing justly—loving mercy and walking humbly with their God.”

5. Because said complaint and charges tabled against me by Rev. W. R. Gordon, are utterly outlawed, even if he ever had any ground to make them, and he must be non-suited by the fact, that he made no denials of, nor filed any exceptions to any of the things now sought by him to complain of to Classis against me, while said trial was going on, either in the Classis or Synod, either by himself—the prosecutors in Classis nor by the Commissioners in Synod, although both were asked again and again to do so if they had any reasons to object to or deny them; but on the contrary, Mr. Gordon has voluntarily confessed the truth of the statements in said pamphlet after their publication by the Consistory of the German Reformed Church in the city of New York under their corporate seal, and hence he is at once according to the rules of all courts of law and equity completely estopped and concluded in the premises, and must forever hold his peace on these subjects.

6. Because said complaint and charges were not even hinted at, and

much less any notice given to me before, nor even in the meeting of said Classis, until after I had handed in a most respectful application to said Classis for a dismissal from said Classis of New York, and hence, as it must appear evident to every candid mind, it was done in order to trammel, perplex and oppress me, and if possible to fix censure upon me by Classis, in order to lessen damages in the civil suit pending against him; but by which spirit herein evinced, and course pursued by him, he aggravates his former offences, and increases the damages in the premises.

7. Because, even the common sense of the Rev. A. R. Van Est, notwithstanding the spirit he evinced when he handed in the minority report of the committee appointed by Classis to report upon the pamphlet above referred to, and in which report, although it contains specimens of the severest language, still he is constrained by a sense of common propriety to recommend to the Classis to refer this case of the pamphlet statements to some other Classis for adjudication, and thus tacitly acknowledges the utter impropriety and injustice of the Classis of New York again acting as accusers and judges in a case in which the Classis forms a party, as they have done in the case decided against them by the General Synod at its meeting in Williamsburg city, in June, 1852.

8. Because there is not a word nor sentence of prohibition contained in all the constitution of the Reformed Dutch Church of North America against the publication of documents used in the trial of any case in any of the judicatories of the church: and hence the Elders, Messrs. Crosby's from Poughkeepsie and West Troy, together with others on the floor of General Synod, not only advocated the propriety and utility of such a measure, but also offered a resolution in Synod, to publish all the documents in this trial between the Classis of New York and myself, for the convenience of the members of said Synod, as is the usual practice adopted in proceedings in courts of Equity, both in this State and elsewhere, and which resolution would have no doubt prevailed in the General Synod, but for want of time to accomplish said printing during the session of said Synod, so as to act upon the whole case without adjourning the Synod to another and subsequent date.

9. Because the resolution passed by the General Synod in relation to the pamphlet, styled "a vindication of the German Reformed Church and its Pastor, &c.," was intended evidently on the part of Synod, and was so understood by the Commissioners of Classis on the floor of Synod to be a salvo to the feelings of those members of the Classis of New York, who had just received a withering rebuke by the decision of said Synod for suspending a brother from the Gospel Ministry unconstitutionally and without just cause, and hence it was that Dr. Vermilyea as commissioner of Classis openly repudiated in Synod, the passage of any thing further on this subject after having acquitted me from all charges and specifications alleged by those members of Classis against me, and thus restored me to all

my rights, good standing, and immunities as a minister and member of the Classis of New York.

10. Because it is the prerogative of every accused person in the community, upon producing evidence of a state of feeling in a court—particular place—county or neighborhood prejudicial to his interests, or to affording him a fair and impartial trial, to have his case transferred to such other county, and brought before such other tribunal of collateral jurisdiction, as may afford him every opportunity of receiving even handed justice without partiality. And shall it be said that the civil and criminal courts of our land shall evince a spirit more in accordance with common sense, justice and equity than the courts of God's house? Knowing therefore as all must, the state of feelings evinced by these members of Classis above referred to, I only ask the simple exercise of even common courtesy between man and man, when I entreat you to set me off from this Classis, so that I may connect myself as well as my church with the South Classis of New York, and then if there be any thing whereof to accuse me, let them be presented and I will give you all the satisfaction to which any and all of you are entitled through the medium of said Classis.

For these above mentioned reasons, together with those reasons already adduced to Classis in writing at its meeting, in October 19th, 1852, and feeling deeply aggrieved by the course pursued towards me by the aforesaid members of the Classis of New York, and especially by Rev. W. R. Gordon in the complaint and charges preferred against me in said meeting of Classis, and the action taken by said Classis in the premises, both towards my church and myself, I hereby solemnly protest against and appeal from said action and authority of said Classis in the premises, to the Particular Synod of New York at its next meeting in November, 1852; and in making said appeal to Synod for a change of venue I utterly disclaim any disposition to show any contempt of any proper authority of my peers, but to use the common sense, precaution and prerogative of rejecting a set of judges and jurors who have been found guilty of unconstitutionally and unjustly condemning and executing me ecclesiastically in a collateral case out of which the present complaints and charges have arisen.

I am yours respectfully,

JOHN S. EBAUGH.

Pastor of the German Reformed  
Church in the city of New York.

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In the matter of complaint of Rev. William R. Gordon against the Rev. John S. Ebaugh, laid before the Classis of New York, October 19th, 1852, in New York.

Wermuldus C. Kuypers, now of the city of Williamsburgh, but recently of the city of New York, being duly sworn, deposes

and says, that he is the Stated Clerk of the Consistory of the German Reformed Church in the city of New York, and that he has as such attended nearly all the meetings of said Consistory ever since his appointment, December 2d, 1851, and this deponent further saith, that he attended the meetings of the Classis of New York in November and December, 1851, and on the 16th February, 1852, and on these occasions distinctly heard the allegations and statements made by the Rev. John S. Ebaugh, in his answer to the report of the committee of Classis, viz :

Rev. T. W. Chambers, W. R. Gordon, and Elder, John Westervelt, delivered to Classis November 18th, 1851, and the charges founded thereon, and also heard the allegation made by said Rev. J. S. Ebaugh in his pleading, and summing up before Classis and Synod in the aforesaid cause, and that he distinctly recollects that no exceptions, denials, or contradiction were offered by the said Rev. W. R. Gordon during any part of this trial, but that the statements were admitted on the part of all the persons therein set forth, as published in the pamphlet styled "The Vindication of the German Reformed Church in the city of New York, &c., and published by order of the Consistory of said church under the seal of the Incorporation of said church.

#### WERMULDUS C. KUYPERS.

Sworn to this 27th day of October, 1852, before me,

Cornelius R. Desosway, Commissioner of Deeds.

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NEW YORK, November 6th, 1852.

To the Rev. W. T. Van Doren, }  
President of the Classis of New York. }

I hereby appeal from the decision of the Classis of New York, in rejecting my protest against, and appeal to the Particular Synod of New York, against the propriety and equitable authority of certain members of said Classis named in the said protest and appeal to set either as judges or jurors in the trial of the complaint and charges tabled against me in the meeting of Classis, October 19th, 1852, for the reasons clearly set forth in said protest and appeal, dated November 3d, 1852, and I moreover appeal from the vote of censure passed upon me by said Classis, in view of the statements made in said protest and appeal, as I am utterly unconscious of any intention on my part of insulting or contemning the Classis by stating in all plainness of speech, my reasons for objecting to the persons above referred to, to set or act as judges or jurors in the above mentioned case, and I am

utterly astonished to find in said members of Classis such an absence of a sense of common propriety, as to not withdraw at once from acting as judges or jurors in the present case, knowing themselves to be guilty of wrongfully condemning me to Ecclesiastical death in a case inseparably connected with the present one. Another reason is, that said Classis rejected this peace offering which I tendered to them viz :

New York, November 3d, 1852.

To the Classis of New York.

Dear Brethren, after due and prayerful deliberation on the affairs of the Reformed Dutch Churches in the city of New York, and realizing as I do with many others that the cause of religion is bleeding at every pore in our branch of Zion, through a concatenation of causes which may be removed if the ministers and office bearers in our Reformed Dutch Churches in this city only agree to stand shoulder to shoulder in pushing onward the car of the Redeemer's Gospel in our midst; I have come to the following conclusion on this important subject, viz :

That provided the Ministers, Elders and Deacons of the Collegiate Reformed Dutch Church in this city, will agree to meet the other Ministers who are Pastors of Dutch Reformed Churches in this city, and belonging to either of the Classis of New York, for the purpose of making an equitable adjustment of the proceeds of the Steenwyck & Harpendinck ministerial legacies, by a due apportionment of the annual proceeds of said legacies among said Pastors in this city, so as to enable us to remove the reproach of having to go to law before unbelievers in order to procure our rights, and provided the Classis of New York agrees to reconsider their vote taken on the report of the committee on the subject of the German Reformed Church in the city of New York, and agrees to rescind the resolutions adopted by said Classis on the recommendation of said committee in relation to said German Reformed Church and Rev. W. R. Gordon agrees to withdraw all complaints and charges which he has tabled before Classis against me, October 19th, 1852; and provided said Classis agrees to dismiss all further proceedings against either myself or against the Church of which I am Pastor, and grants my application for dismissal from said Classis, so that I and my Church may connect ourselves with the South Classis of New York, on these conditions I will consent to withdraw the suits pending in the Civil Court against the Rev. T. W. Chambers, one of the Pastors of the Collegiate Reformed Dutch Church, and Rev. W. R. Gordon, the Pastor of the Reformed Dutch Church now worshipping in Factory street, and we shall thus practically lay the foundation of a state of prosperity and extension of the Reformed Dutch Church as a denomination in this city, such as has had no parallel in her history since her original organization in the colony which first founded this city.

I hope therefore, that this ingenuous proposition may be met with the same amount of candour and amicable desire of an honorable peace and adjustment of all the clashing interests which do and must continue to shake the Reformed Dutch Church in this city to its very foundation until finally settled, by those brethren as Ministers, Elders and Deacons of the Collegiate Reformed Dutch Church and others, with which it is offered on my part, and then we will find no difficulty in arranging all matters so as to greatly promote the Glory of God and the best interest in his Zion among us. And let me assure the parties interested that they will fare infinitely better by an amicable adjustment of all these matters among ourselves, than if they insist on such a course as to compel Cæsar to make the adjustment for them

I am respectfully yours,

JOHN S. EBAUGH.

I thus ingenuously offer to settle up all the matters which are at present agitating and shaking the Reformed Dutch Church in this city to its foundation, but although I am for peace, my opposers or these members of Classis are for war.

I remain yours truly,

JOHN S. EBAUGH.