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New York, November 6th, 1852.

Rev. W. R. GORDON,

vs.

Rev. J. S. EBAUGH.

To the Classis of New York.

*Dear Brethren.*—While on the one hand, I utterly disavow any intention whatever to be contentious or desirous of causing any unpleasant feelings among the members of Classis, and while I feel willing to submit the present case occupying the attention of Classis, to the adjudication of the Classis as consisting of some twenty-five members of said Classis, exclusively of sixteen members named in and objected to in my protest handed in to Classis, November 3rd, 1852, for reasons therein set forth, my whole soul revolts at the impropriety and injustice of submitting to be judged again by those members of this Classis who have been found guilty by the decision of the General Synod of our church, to have been in error to such a degree as to unjustly condemn me to Ecclesiastical death; and hence I protest again with my whole soul against the propriety and injustice of the following members of Classis sitting as judges or jurors in this case, viz: Drs. John Knox, Thomas De Witt, Thomas E. Vermilyea, Rev. Talbot W. Chambers, Drs. James B. Hardenbergh, Geo. H. Fisher, C. Vanarsdale, Nicholas J. Marselus, Rev. John C. Guldin, Abraham R. Van Est, Jeremiah S. Lord, and William T. Vandoren, together with all and each of the Elders who acted with said members in suspending me unjustly from the Gospel Ministry, February 16th, 1852; and I most earnestly hope that these brethren will for once practically observe the golden rule, and do with me, as they certainly would wish to be done by in a change of our conditions, and thus at once retire from all participation in this trial of this case, and if this case must be tried by this Classis, let them find a jury for this purpose out of the some upward of twenty of the remaining members, who may be considered as uncommitted as to those matters now before Classis.

But I would greatly prefer on the score of propriety and justice to be set off to the South Classis of New York, and then let this case be fairly adjudicated by said Classis as a court of collateral jurisdiction as affording ample satisfaction to all parties concerned, and as the Particular is to meet on the last Wednesday of November

1852, I hope the brethren will not insist on forcing this action on precipitately, but be willing to abide the advice and decision of said Synod in relation to the matters already referred to said Synod by complaint and appeals from the decisions of said Classis of New York, between said Classis and myself for adjudication, as much the surest and most correct course of procedure in the premises. For in justice to myself, I cannot collect and arrange all the evidence I shall have to adduce on this trial in a less space of time than thirty days from November 8th, 1852, and hence while *I plead not guilty of the charges alleged against me in the bill of complaint, tabled against me by Rev. William R. Gordon, October 19th, 1852*, I must insist on at least thirty days time for arranging my evidence for trial of this to me all-important case.

I am yours respectfully,

JOHN S. EBAUGH.

Additional points to those contained in the documents handed into Classis, November 3rd, 1852, in my protest and appeal to the Particular Synod and contained in the document under date of November 6th, 1852, and handed in to Classis, November 8th, 1852, which see page 33 and 45.

1. That certain members of the Court are incompetent to sit as Judges in this case as they are personally interested in the result of the trial, either by reason of their being the persons whom it is charged that I have libelled, or by reason of such relation to them or dependence on them, as involves them in the feelings which are arranged against me, by the parties so alleged to be libelled. To object to them sitting as Judges no more involves or charges corruption, than in the analagous cases in civil courts.

2. That the defendant is not the author nor publisher of the pamphlet in question, not its *Author*. For it was the act of the Consistory of the German Reformed Church in the city of New York, and so appears on its face, see pamphlet. Not its *Publisher*. For it never was published. It was printed, and put into the hands of the members of appellate Courts, for their convenience, inasmuch as each member thereof had a right to have every document and matter pertaining to the controversy, read in his hearing, to make notes of it to assist his memory and understanding, and of course to have it printed either by order of the Appellate Courts, or in anticipation of such order. And this is moreover the custom in all similar cases, to print the evidence not for publication but for the use of the Judges.

3. That to try the defendant on this pamphlet is to revise a decision of the same points already passed by the higher Court. The pamphlet was before the General Synod, was used in the trial on appeal and subsequently *censured* by the Synod in terms following, viz: see minutes of General Synod, 1852.

To make it now the ground of trial, is as it were to try the defendant for a thing already decided by the highest Court.

4. That the charges of Mr. Gordon are based on words spoken in argument. If the same were wrong in statement or indecorous, it was the privilege of the Court to call to order and prevent such remarks and to require retraction. But now after they have been uttered and actually received by the higher Court and censured there, this is the utmost penalty that can now justly and reasonably be inflicted on the defendant in the premises.

And this is the ground taken by the complainant in this case in his replication in the civil suit now pending against him, see replication.

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Monday, December 13, 1852.

*Rev. Dr. Marselus*—called by Mr. Gordon.

Recollect how Mr. Gordon was put on the committee on German Reformed Church, by looking at the minutes I know that Mr. G. was President of Classis at the time and was made a member of it by motion. Conversed often with Mr. G. on the subject—remember hearing Mr. G. say he was determined to see if a church could be found, and if he did find one, would be glad to report its existence.

*Cross Examined* by Mr. Ebaugh.

*Ques.* Had you in your possession evidence to show the complete organization of the German Reformed Church down to December 31, 1850.

*Ans.* I had in my possession the report of the committee on that subject recorded in the minutes, vol. vii. p. 369.

*Direct Examination Resumed.*

Was shown the pamphlet styled "a vindication, &c.," and says I have seen it before. Mr. Ebaugh is the reputed author. I received from him a copy.

N. J. MARSELUS.

*Rev. E. S. Porter.*

Was President of Particular Synod at Newark, was shown the pamphlet styled "a vindication,"—saw a copy of it at Newark. It was circulated there by Mr. Ebaugh—understood Mr. Ebaugh to issue it as a statement of his case.

*Cross Examined* by Mr. Ebaugh.

*Ques.* When circulating this pamphlet among members of Synod, what did I say?

*Ans.* My recollection is that the case had proceeded so far as to the evidence in reply. When Mr. E. distributed this pamphlet, commenced reading his defence from it and referred the members to it. I have no recollection of his saying before that or afterwards what it contained. I, as President, objected to his reading the pamphlet as irrelevant, and was sustained by the house in that objection. During this Mr. Ebaugh said that it was documentary evidence.

(Signed,)

E. S. PORTER.

*Rich. Brinkerhoff.* Received a copy of the pamphlet, a vindication, in my store from Mr. Ebaugh.

*Cross Examined.*

Asked Mr. Ebaugh for a copy or two for Mr. Van Dolsen and received them.

*T. W. Chambers.*

*Ques.* Were you the author of a certain Preamble and Resolutions relative to the German Reformed Church? *Ans.* Yes. *Ques.* Did you apprise any person of your intention to bring in that document previous to the Session of Classis? *Ans.* Not a soul. *Ques.* Was there a committee organized to which this document was referred? *Ans.* Yes. *Ques.* Did any one suggest to you the propriety of bringing in that document? *Ans.* No body. *Ques.* Who was then President of Classis? *Ans.* Rev. Mr. Gordon. *Ques.* How did the President come to be a member of that committee? *Ans.* I am not sure of the precise form, but know it was against his express will. He said, I think, it was a trick. I think I took a temporary advantage of his absence from the chair to have him appointed. *Ques.* Who was the chairman of this committee? *Ans.* I was, against my will—had to serve as having introduced the original resolution. *Ques.* What did the committee understand to be the object of their appointment? *Ans.* To ascertain if there was a church under the Pastoral care of Rev. Mr. Ebaugh. *Ques.* What course did the committee take to ascertain this.

(Question objected to by the defendant)

*Ans.* We tried to get from Mr. Ebaugh, his book of minutes and a list of his members, with their address. *Ques.* What further did you do? *Ans.* Mr. Ebaugh failed to furnish us the list, we then sought by the aid of the directory, to find every person whose name was written in the list in the minutes.

*Ques.* How many did we find? *Ans.* Out of 150 on the list, we did not find more than a dozen, I suppose.

In our interviews with the members of the church who introduced the business of the committee?

*Ans.* I did.

*Ques.* Can you state or can you not, what was the tenor of the question proposed by yourself in our interviews with these members?

*Ans.* To learn whether they were really members of this church, whether they worshipped and communed with it, &c.

*Ques.* Did the persons whom we visited treat us respectfully? *Ans.* They all did.

*Ques.* Did they answer kindly and fairly? *Ans.* I think they did.

*Ques.* Did yourself and Mr. Gordon, go to any other person or persons besides the reputed members of the German Reformed Church?

*Ans.* The only other person, was Mr. Bushe, Pastor of the original German Reformed Church in Forsyth street.

*Ques.* What was our object in visiting Mr. Bushe? *Ans.* To see if the list in Mr. Ebaugh's book, was the same as in his book.

*Ques.* Did we find any names there? *Ans.* He showed us all his books, but I forget whether any one of these name were found in them.

*Ques.* Did we satisfy ourselves or not, from Mr. Bushe's books, whether the present list of Mr. Ebaugh's reputed members, belonged to his present church or not? *Ans.* We did, in regard to a number, some Mr. B. said were dead and others had never gone off with Mr. Ebaugh's party.

*Ques.* Did Mr. Bushe volunteer any statement of which we were previously ignorant? *Ans.* He did.

*Ques.* What was that? *Ans.* He stated that Mr. Ebaugh was prosecuting a claim upon the church of which he i. e. Mr. Ebaugh was Pastor, for services rendered to it during the time, that we understood that Mr. Ebaugh was serving his church in 17th street. (*Ans.* objected to.)

*Ques.* Was you at the meeting held in February last, to make arrangement for holding a day of prayer for Colleges? *Ans.* Yes.

*Ques.* Did Mr. Gordon introduce a resolution spoken of by E. in his pamphlet on page 5? *Ans.* Not that I recollect of.

*Ques.* Have you a recollection of my attempting to do it? *Ans.* No, sir.

*Ques.* Would you have recollected it, had such a strange resolution been introduced.

*Ans.* It is likely I would, as I got up that meeting and therefore took an interest in it.

**Cross Examined, by J. S. Ebaugh.**

*Ques.* Had you not at the time you received this information of Mr. Bushe, our book of secular minutes?

*Ans.* I believe we had.

*Ques.* Did you make a statement in your report of the settlement between me and the Consistory of the 17th street church, as ordered by Classis?

*Ans.* I think we did, but the report will show.

*Ques.* How did you get the list of members of German Reformed Church? *Ans.* We got the names from the book of minutes of the German Reformed Church, and we got the residences from the directory.

*Ques.* From whom did you receive those books of minutes? *Ans.* From Mr. Ebaugh.

*Ques.* by Mr. Gordon. What was the character of the books of minutes furnished the committee?

*Ans.* One blended spiritual and secular in the minutes, the other was a register having loose minutes.

*By Mr. Ebaugh.* What did these scrap minutes contain? *Ans.* I do not distinctly remember, but they were very informal.

*Ques.* Did you read the title of that 2nd Book? *Ans.* I did.

*Ques.* Do you recollect the purport of the title? *Ans.* So far as I remember, it was a list of members.

*Ques.* Do you recollect the title of the first Book? *Ans.* No.

**TALBOT W. CHAMBERS.**

Mr. Ebaugh presented the following paper:

"I now enter my solemn objection to the whole of Rev. T. W. Chambers' testimony in the case now pending between Rev. W. R. Gordon, and Rev. J. S. Ebaugh, as being inseparably connected with said Rev. W. R. Gordon in this whole case, and hence he has no right to take the stand, as a party deeply interested in this issue now before the Classis.

**JOHN S. EBAUGH.**

New York, Dec. 7, 1852.

The complainant rested.

The Defendant now entered upon proving the truth of the statements contained in the pamphlet, styled "A Vindication, &c." and called to the stand as the first witness on the part of the defense, Dr. P. Van Zandt.

Dr. P. Van Zandt affirmed. Ques. By J. S. Ebaugh. Did you attend the meeting of General Synod in June last? Ans. Yes. Ques. Had you or had you not a conversation with a minister of the Gospel on the subject of the pamphlet, entitled "a vindication, &c.," and if so with whom? Ans. I had with a number, in particular with Dr. Krebs. Ques. What was the nature of that conversation? Dr. Van Zandt here rested.

Cross examined by Rev. W. R. Gordon.

Ques. What conversation do you refer to? Ans. In reference to this pamphlet, (viz: the one above referred to.) Ques. Where was this conversation held? Ans. In the church in Williamsburg.

Rev. J. M. Krebs, D. D., called and affirmed.

Ques. By Mr. Ebaugh. Dr. Krebs, had you a conversation in Williamsburgh, and if so with whom? Ans. Yes Sir, a very brief one sir, either with the Rev. Mr. Gordon or Mr. Van Zandt, or both. Ques. What was the subject matter of the remarks? Ans. I think Mr. Ebaugh was making his defence, during his trial,—at least it was during his trial, I remarked I think to Dr. Van Zandt speaking across Mr. Gordon or to Mr. Gordon himself, I think to the former during accidental remarks respecting the trial generally, that I thought Mr. Ebaugh had spoken in his pamphlet with excessive severity of the Collegiate Ministers (great severity) as I had characterised it before to others. After that remark had dropped from my lips, Mr. Gordon turned to me and said to me as nearly as I can recollect, "And the worst of it is it is all true." There were other conversations and I was a little surprised at Mr. Gordon's remark.

Cross examined by Mr. Gordon.

Ques. Did you and I occupy the same bench. Ans. I cannot tell, I sat next to the wall in the pew either with or behind Mr. Gordon. Ques. In which end of the pew was I? Ans. Toward the aisle. Ques. I wish you to recollect the position I sat in? Ans. I cannot tell, but very near to me, either three or four feet. I have an impression that you were in the pew before me, it may have been with me. I think the conversation was broken suggested by the trial. Ques. Can you swear that my remark did not refer to the pamphlet generally—the whole book? Ans. What was written in the book I said was very severe, and especially in the reference to the Collegiate Ministers. I had read the pamphlet a little before. Ques. Can you state

that I referred to the Ministers or the Book? Ans. To the Book.  
 Ques. Was it possible for you to misunderstand my remark? Ans. No.  
 Sir, you spoke very intelligently. Ques. Who began the conversation? Ans. Sir, I think it sprung out of some remark of my own

Ques. By Rev. Dr. De Witt. Was Mr. Gordon's remark that it is all true immediately in answer to your remark as to its severity on the Collegiate Ministers? Ans. Yes Sir, and in reply to me. Ques. Did you communicate this information to Mr. Ebaugh? Ans. No. Ques. Was there any body else near us? Ans. No, I think not—possibly there was.

Dr. P. Van Zandt recalled. Ques. by Mr. Ebaugh. In answer to the former question to you in reference to the conversation with Dr. Krebs, what was further said? Ans. I heard Mr. Gordon say, "and what's more, it is all true," referring to the pamphlet; this remark was in answer to Mr. Krebs's remark on the severity of the pamphlet, which Dr. Krebs said that he had made to Mr. Gordon. Ques. Have you had conversation with Mr. Gordon since this, with reference to the pamphlet, and did he ever deny the statements in said pamphlet? Ans. I don't think he did.

Cross examined by Mr. Gordon. Ques. Dr. where did I sit in the pew at Williamsburgh? Ans. Directly before Dr. Krebs. I now advert to the time when you were conversing with Dr. Krebs. Ques. What did I then refer to? Ans. I think to the pamphlet, the whole pamphlet. He, Mr. Gordon, sat a little to the right of Dr. Krebs.

This evidence is, as it was taken down by Mr. A. Carhard, who was appointed for this purpose, and the copy of it as taken down in writing, by Rev. T. W. Chambers, was subscribed by Dr. J. M. Krebs and Dr. P. Van Zandt.

Immediately upon the testimony of Dr. J. M. Krebs and Dr. P. Van Zandt, the following document was read in part and handed into Classis.

New York, December 13, 1852.

To the Classis of New York.

Whereas the contents of the pamphlet styled "a vindication of the German Reformed Church and its Pastor, &c.," are proved true by the declaration and endorsement of the Rev. W. R. Gordon, the plaintiff or complainant in this case, as proved by two impartial and competent witnesses, viz: Rev. Dr. J. M. Krebs and Dr. P. Van Zandt. I now in justice to myself and in mercy towards others whose names are mentioned in said pamphlet, demand of this Classis the immediate non-suit of the Rev. W. R. Gordon, the complainant

in this case, by quashing the said complaint and charges in this premises, and thus promptly making an end of this matter now before Classis.

I am yours respectfully,

JOHN S. EBAUGH,

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

The evidence of these competent witnesses was permitted to remain on record until the day after it was taken, and then by a resolution of Classis it was ruled out, *as irrelevant*, for the evident reason that they did not like it.

Testimony taken in Classis, Dec. 13, 1852.

Rev. W. R. GORDON,

vs.

Rev- J. S. EBAUGH.

Dr. P. Van Pelt affirmed.

Ques. Did you attend the meeting of Classis in October and November 1851, and on February 16th, 1852? Ans. Some of them. Ques. Were you at the meeting, October 21st, 1851, at which Rev. T. W. Chambers Preamble and Resolutions to disband the German Reformed Church was brought up? Ans. I was present. Ques. Was it not on October 21st, 1851, at the stated meeting of Classis? Ans. I think it was. Ques. What was done with the Preamble and Resolutions by the Classis at that time? Ans. They were to some extent debated. Ques. Were you present when the report of Messrs. Chambers, Gordon and Westervelt was brought in to Classis? Ans. I believe I was. Ques. Was you present when the evidence was taken in this case? Ans. Yes. Ques. Did you or did you not hear any objection by Mr. Gordon to the evidence in the statements or summing up? Ans. I have no knowledge as to any objections being made. Ques. Were the statements made in this pamphlet admitted or not by the members present, excepting by Dr. De Witt? Ans. The question came up about the pamphlet, and Mr. Ebaugh preferred to defend himself with his pamphlet which he had written, and accordingly having the pamphlet in his hand, at times he read and at other

times explained and thus went through it. Ques. During the whole of my defence, when using the pamphlet in part of my defence, did Mr. Gordon make any objections to the allegations here stated? Ans. I have no recollection that he did. Ques. In making my defence did Mr. Gordon deny any thing in said statement? Ans. I have no knowledge that he did. Ques. On the 16th page of the defence, did you hear these remarks here stated in said pamphlet in regard to the reasons of his vote, on February 16, 1852, by Dr. J. Knox? Ans. Yes, I did. Ques. Same page did you hear these remarks here stated by Dr. De Witt as to his vote? Ans. I did. Ques. Did Dr. Marselus make the statement here ascribed to him on page 17 of said pamphlet. Ans. Yes he did.

P. J. VANPELT.

Tuesday, Dec. 14th, 1852.

*John Schwab*, called by Mr. Ebaugh.

Direct Ques. Have you ever seen Mr. Gordon and Mr. Chambers? Ans. Yes.

Ques. Do you identify them as sitting before you? Ans. I do, but not sure whether both the gentlemen were at my house.

Ques. Were they introduced to you as Mr. Chambers and Mr. Gordon? Ans. It is in my mind that they were, but I am not sure.

Ques. What did they say was there object in visiting you? Ans. To find out the membership of Mr. Ebaugh's congregation.

Ques. What was the reply that you made them? Ans. One thing or other was talked about, and finally I said that I was a member.

Ques. What did you state about the object of their visit? Ans. To the amount, that it was a sort of hatred to persecute some members of Classis.

Ques. What member did you allude to? Ans. Mr. Ebaugh.

Ques. What further took place? Ans. I stated to them that a certain church property belonged to one as well as another.

*Cross Examined by the Rev. Mr. Gordon.*

*Ques.* Can you state positively whether one or two persons called on you at the time referred to? *Ans.* I cannot.

*Ques.* What is the name of the one that called? *Ans.* It is so long since that I cannot positively say.

*Ques.* You said one object was to find out the membership of Mr. Ebaugh's congregation, did you state that you had not been to his church for a long time?

*Ans.* I did, the church was in 17th st., and my house in Christie, near Grand.

*Ques.* Did you say or not, that you never meant to ask a certificate? *Ans.* I cannot say.

*Ques.* What other inquiries did the gentlemen make of you? *Ans.* I don't remember.

*Ques.* To whom did you state, that it was a sort of hatred, &c.? *Ans.* To the gentlemen who called on me.

*Ques.* Was this reply of yours made in connection with a talk about church property? *Ans.* Yes my reply was on that.

*Ques.* Did the gentlemen explain to you the object of their visit? *Ans.* I suppose they did but don't know. *Ques.* How were they treated? *Ans.* Civilly. *Ques.* Any unkind words on either side? *Ans.* Not to my knowledge.

*Direct resumed by Mr. Ebaugh.*

*Ques.* Did you rebuke these gentlemen when they called? *Ans.* Yes, I told them that I thought it was very wrong or something to that effect.

*Ques.* What was very wrong in your estimation? *Ans.* That Mr. Ebaugh should be persecuted on account of that suit.

*Cross Examined by Mr. G.*

*Ques.* Did the committee tell you that they did not come to talk about that suit at all? *Ans.* I believe they did.

*Ques.* What did they say in reference to their sole business? *Ans.* I can't remember, except as I said before on account of their membership.

JOHN SCHWAB.

Ira Benjamin, called by Mr. Ebaugh.

*Ques.* Do you know these gentlemen before you, Messrs. Chambers & Gordon? *Ans.* I do. *Ques.* Did you ever see them at your house or shop? *Ans.* Near my shop, I did. *Ques.* Did they ask if you were a member of the German Reformed Church? *Ans.* They did. *Ques.* Did they state the object of their visit? *Ans.* They did. *Ques.* What conversation had you on the subject of the Consistory? *Ans.* First, they asked why the Consistory did not meet the committee, according to the notice sent to them. I answered that they had not stated, in the notice what it was for, that was the objection. *Ques.* What further conversation had you with the committee? *Ans.* They inquired of me respecting the membership of the church, the names of members, places of worship, &c.

*Ques.* What was your reply? *Ans.* After answering these questions, I asked what was their object in calling us before Classis? *Ques.* What did they answer? *Ans.* They said that they were going to try Mr. Ebaugh for something about the affairs of his church. *Ques.* What reply did you make? *Ans.* I believe I asked what things in particular had the Classis against Mr. Ebaugh. *Ques.* What did they reply? *Ans.* Well, they said one thing was that he reported more members than there really was. They asked if I knew how many there were, I said I did not. *Ques.* Was there any further conversation in relation to the object of their visit? *Ans.* There was other conversation all of which I do not remember, and what I do remember, I don't know that it would be proper to state? *Ques.* What was this conversation? *Ans.* I think I inquired if it was not persecution of Mr. Ebaugh on the part of the Classis, on account of the suit brought against the Collegiate Church. *Ques.* What did they reply? *Ans.* I think they said that they thought not. I told them I thought it was a great pity, and I think I said it was a small business, to be running around among Mr. Ebaugh's members. *Ques.* What else was said? *Ans.* I told this committee that if the Collegiate Church was contending for money which did not belong to them it was very wrong. The committee told me that I should not judge too severely. That is all.

Cross Examined by Mr. Gordon.

*Ques.* Was this conversation with Mr. Chambers or me? *Ans.* Mr. Chambers did most of the talking.

*Ques.* Did the committee say their object in calling was not to talk of affairs of Collegiate Church? *Ans.* Yes.

*Ques.* Apart from the conversation about the Collegiate Church, was not the interview between you and the committee agreeable and courteous? *Ans.* Yes.

Ques. By Mr. Chambers. Are you sure the committee told you that the object of the Classis was to try Mr. Ebaugh? Ans. I think that was the reply.

IRA BENJAMIN.

*John Westervelt*, called by Mr. Ebaugh.

Ques. Are you an Elder of the Church formerly at the corner of Green and Houston streets? Ans. Yes.

Ques. How long? Ans. Three or four years.

Ques. Do you know of the sale of that Church? Ans. I do.

Ques. By whom was that sale made? Ans. By the Consistory.

Ques. Who subscribed the deed? Ans. President and Secretary.

Ques. Who is the President? Ans. Mr. Gordon.

Ques. Who is the Secretary? Ans. At that time it was Mr. Jacob Brinkerhoff, I think.

Ques. When did you effect the sale? Ans. Sometime in January 1852, or February.

Ques. What did the Consistory resolve after selling the Church? Ans. To build another.

Ques. Did you contemplate building it out of your own means as a congregation? Ans. I don't recollect that any thing was said on the subject at that time.

Ques. Did you afterwards apply to the Collegiate Church for \$12,000 to aid you? Ans. Not to my knowledge.

Ques. Did you apply for a loan of money? Ans. Yes.

Ques. Who signed that application? Ans. The President and Secretary.

Ques. Can you state the amount? Ans. I do not recollect whether it was \$10 or \$12,000.

Ques. Was your application successful? Ans. No.

Ques. Did you repeat it? Ans. No.

Cross Examined by Mr. Gordon.

Ques. Did the President of Consistory sign that application by order of the Consistory? Ans. Yes, of course.

JOHN WESTERVELT.

The within is a true copy of the testimony taken before the Classis of New York, in the case of the complaint of the Rev. W. R. Gordon, against the Rev. J. S. Ebaugh, at their meeting, held December 13th and 14th, 1852, from the record of Classis.

J. N. MARSELUS,

*Stated Clerk.*

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NEW YORK, December 27th, 1852.

To the Classis of New York.

I now enter my solemn exception to the procedure of the Classis of New York, in ruling out the testimony of Rev. John M. Krebs, D. D., Dr. P. Van Zandt and Dr. P. J. Van Pelt, on the pretext of irrelevancy to this case now before Classis as contrary to all equity and fairdealing in the premises. And I moreover protest against my being compelled to go on in summing up this case before said minutes of Classis are completed by the reinstatement of the testimony of the said witnesses, Drs. J. M. Krebs, Dr. P. Van Zandt and Dr. P. J. Van Pelt. And I moreover solemnly protest against and file my objection to the manner in which the witness of this defendant, Mr. Wermuldus C. Kuypers was insulted, and then by a vote of Classis was ordered off the stand. And I further protest against the right of Classis to proceed any further with this case until after said Mr. W. C. Kuypers is recalled and furnishes his testimony in the premises, and a certified copy of said testimony is furnished to me.\* I also enter my solemn objection to my being prevented from going on to prove the truth of all the statements contained in said pamphlet by the witnesses summoned for this purpose, viz: Dr. P. J. Van Pelt, Judge D. P. Ingraham, Rev. John Neander and others, as well as by the declaration and endorsement of Rev. W. R. Gordon the complainant in this case.

P. S.—Dr. P. J. Van Pelt's evidence was taken by Mr. Dunshee.

\* Mr. Wermuldus C. Kuypers as the stated clerk of the Consistory of the German Reformed Church in the City of New York, was called to the stand as a witness on the part of the defendant in this case, and after affirmation had given unequivocal testimony on the subject of the pamphlet, styled "a vindication &c.," and that the defendant in this case, was not the author of its publication, nor the printing of it, but that it was done by and on the entire responsibility of the Consistory of said Church, and then the witness was going on to state the matter of a conversation he had with Dr. T. E. Vermilyea after the meeting of General Synod in Williamsburgh 1852, when he was interrupted by Mr. Gordon, and (as Mr. Kuypers and others present conceived) was rudely insulted by the language and manner of said Mr. Gordon to this witness, upon which the witness stated with some feeling that he was on his oath and did not wish to be thus insulted, and the defendant remarked to Mr. Gordon that it was not his time to interrupt the witness until after the direct examination was over, and then witness should be handed over to him for cross examination; after this some further words passed in Classis, and a resolution was passed by the Classis ordering the witness from the stand, thus attempting to get rid of his testimony.

And I moreover solemnly object to any of the papers in the civil suits against Rev. T. W. Chambers and Rev. W. R. Gordon, being used as testimony in this case now before Classis, as said actions are still undecided in the civil court, and this Classis has no right to enter into an investigation or prejudgment of said Cases.

I remain yours truly,

JOHN S. EBAUGH.