

A

VINDICATION AND DEFENSE

OF THE

GERMAN REFORMED CHURCH,

IN THE CITY OF NEW-YORK, AND ITS

PASTOR,

AGAINST THE REPEATED ATTACKS MADE UPON
THEM BY CERTAIN MEMBERS OF THE
CLASSIS OF NEW YORK.

PUBLISHED BY ORDER OF THE CONSISTORY OF SAID CHURCH.

NEW-YORK:

G. B. MAIGNE, PRINTER, 11 SPRUCE-STREET.

1851.

TO ALL WHOM IT MAY CONCERN.

It is well known to a large circle of our fellow citizens of New York, that Cornelius Steenwyck and John Harpending devised in the years 1684 and 1723 real estate, which has, since their demise, been enhanced in value to many hundred thousand dollars at the present day, and by the express injunctions of both testators, the annual income and revenue were to be forever applied to the payment of the *salary, stipends, and maintainance* of the *Ministers of the Reformed Protestant Dutch Church* in the city of New-York, and to no other purpose or purposes whatever. But as this has not been done, and said wills or last testaments of Steenwyck and Harpending fell into the hands of the Rev. John S. Ebaugh, in 1846, he (after receiving the opinions of the venerable Chancellor Kent and others of high standing in the legal profession,) handed said documents over into the hands of Dr. N. I. Marselus, who, (after repeated fruitless efforts, in connection with many of his brethren, as Pastors laboring in the Dutch Church in the city of New-York, to obtain a friendly adjustment of the proceeds of said legacies with the Consistory of the Collegiate Dutch Church,) was induced as relator in the premises, to file a bill in the Supreme Court as a Court of Equity, in this city, in behalf of himself and others, for the purpose of obtaining from said Court a decision coercing said Consistory to carry out the injunctions of said wills; and an important decision in relation to said bill is daily anticipated, and hence the frequent reference to said case in the following documents; as this *is the gravamen* of the whole matter under discussion, which has given occasion to the onsets made upon the German Reformed Church in the city of New-York, and its Pastor, (which is the *oldest Church Organization* in the *Reformed Dutch Connection* in this city—next to the old *Garden-street Reformed Dutch Church*, as clearly proven by documents recently transmitted to this city, from the archives of the Synod of North Holland, and hence it is, according to the opinion of those profoundly skilled in jurisprudence, by right of primogeniture, the best entitled to its equal share of the annual income of the aforesaid legacies of any Church in the Dutch Connection,) although carried on under other pretexts, as a discerning public will readily perceive from the whole connection of matters in the premises.

DOCUMENT NO. 1.

Resolved, That the Report adopted by the Consistory of the German Reformed Church, Nov. 4th, 1850, and handed in to the Classis of New York in 1850, under the seal of the Corporation of the German Reformed Church in the city of New York,—together with the documents containing answers to the speeches of Rev. T. W. Chambers, Dr. T. E. Vermilye, and Dr. J. H. Hardenbergh on said Mr. Chamber's Preamble and Resolutions to disband the German Reformed Church in the city of New-York, in Classis, Oct. 21st, 1851,—as also the answer to the Report of a Committee appointed by Classis on the subject of the above Preamble and Resolutions, and delivered to Classis Nov. 18th, 1851, and the charges founded on said Report adopted by Classis Nov. 24th, 1851, against the Pastor of this Church, together with the *Protest* and *application* of the *Pastor, Consistory* and *Church*, for a dismissal from Classis in order to be connected as a Church and Pastor with the South Classis of New-York, transmitted to Classis Nov. 18th, 1851, be all printed together in pamphlet style, signed by the Secretary, and under the seal of this corporation, as a vindication and defence of said Church and Pastor against the repeated attacks made upon said Church and its Pastor by certain members of the Classis of New-York, in view, evidently, of breaking both Pastor and Church down, and blotting them both out of the Ecclesiastical land of the living.

Signed by the stated Clerk of the Consistory,
and under the seal of this incorporation.

Resolved, That this Consistory unite with our Pastor in presenting to the Classis of New York the accompanying answer to the Report of the Committee to Classis and the charges founded thereon, Nov. 24th, 1851, and the answer of guilty or not guilty, found at the conclusion of the answer to said Report and Charges, under the seal of this incorporation and signed by the stated Clerk of this Consistory.

Resolved, That this Consistory renew their application to Classis for a dismissal from said Classis, in order to connect ourselves with the South Classis.

This is to certify that the above is a true copy of the minutes of the Consistory of the German Reformed Church, in the city of New-York, passed at a meeting of said Consistory, held Dec. 2d, 1851, at No. 160 East 23d-street.

[Attest]

[L. S.]

WERMULDUS C. KUYPERS,

Stated Clerk.

TO THE CLASSIS OF NEW-YORK,

Now in session, in support of the Protest of the German Reformed Church, in the hands of the Committee of Overtures.

Remarks on the Preamble and Resolution brought forward before Classis at its meetings in Nov. 1850 and Oct. 1851, on the subject of the German Reformed Church, containing replies to the speeches of Rev'ds Chambers, Vermilyea and Hardenbergh.

In relation to said Preamble and Resolutions, coming as they do, from such a source, viz.: from the Junior Pastor of the Collegiate Ref. Dutch Church, I remark, that it must fill the mind of every unbiased person with amazement, except it be apologized for, as arising from his sheer ignorance of the true condition of those very Churches, of which he has within a short space of time, become a co-pastor. For surely on the score of inefficiency, *as to the support of the Gospel by any personal contributions*, arising from the members of said Churches, or any energy manifested by them, in furthering the interests of religion, they certainly well deserve to have been disbanded long before Mr. Chambers was introduced there as one of its Pastors. For who in this Classis must not be deeply impressed with the gross impropriety of such a Preamble and Resolutions being volunteered by one of the Pastors of a Church, which does not afford a sum sufficient to pay the *Music, Sexton's wages and fuel to warm said Church*,—thus. not contributing one dollar to the support of the Gospel among them; but are content to set down and depend on the annual proceeds of the ministerial legacies, to furnish them with all the provisions of the Gospel; thus, utterly reversing the order of God's house. In proof of this, I ask you seriously to look into facts connected with this matter, and consider at what a tremendous expense and awful disproportion as to spiritual results, the word of God is maintained in the Collegiate Reformed Dutch Church. Take, for instance, the North Dutch Church: said Church, it must be remembered, stands on lots of the Harpending legacy, and, together with the Consistory room covers some ten or more lots of said ministerial legacy, which, when Cæsar comes to make the adjustment now in train, will be assessed to at least \$10,000 per annum,—add to this the salaries of five ministers, four of whom minister alternately in said Church, viz., \$4,500 per annum,—music of said Church \$1,000, and fuel and sexton's wages of said Church \$1,000 at least; making the aggregate of \$16,500 annually, for maintaining the ordinances in said Church establishment. And now contemplate the annual yield or increase of members in said Church, and compare them with the increase of the members of the German Reformed Church while in operation in 17th street, which received 24 members, and those too, chiefly on confession, in less than two years; under all the serious disadvantages of my ministry in said Church, and then draw a fair inference which of the two Churches it would be doing God's service in the highest degree, to disband.

And this is but a fair specimen of the Collegiate Church expenditure, and Collegiate Church yield, as it will not be found to vary much if you investigate the whole Collegiate Church. For, if we contemplate the enormous cost of the ordinances administered in said Church, we should be warranted in looking for hundreds of annual additions of the most vigorous and gigantic members, who should be a model for our other Churches, in their zeal and untiring engagedness in furthering every good work. But I ask, is this the result even of all their combined labors? I might say much more on this subject, but I decline doing so at present, as much more ample developments will be forthcoming from another source ere long.

And now in reply to the speech of my *particular friend*, Rev. Vermilye, in support of his colleague's famous Preamble and Resolution, I would say that it reflects great disgrace upon himself and the whole establishment to which he belongs—that any minister of the Gospel laboring in any branch of the Reformed Dutch Church in this city should be permitted to beg their own support, from the benevolence of other branches of Zion, whilst ample tithes have been lodged in God's storehouse in the midst of us, by the pious dead, expressly for their sustenance, and for which he, together with others, will speedily be called to account at a tribunal which will show no favors.

And as to his exclamation that all must be rotten in the German Reformed Church, and that it greatly stands in the way of other enterprises in this city, I would reply that he appears to be a stranger, indeed, in Jerusalem, to hold forth the idea for a moment, that the German Reformed Church, with all its misfortunes, has ever proved one tithe of the obstruction to building up other Churches in this city, to what the Collegiate Church has been and is at present. And in proof of this, I appeal to the sad experience of Brother May in his 21st enterprise, to Bro. Lillie in his Stanton-street enterprise, to Bro. Cornell in his Manhattan Church enterprise, and to Bro. Demund in his Church in Green and Houston-sts, and I might mention others, who also realised the fact that the Collegiate Church hung with millstone weight upon their respective enterprises; so *that the Dr.* is peculiarly unfortunate (in my opinion,) in so far forgetting that he lives in such a thin glass house as to be tempted to come forth, and with all apparent boldness, cast stones at his neighbors; and hence I coolly reply in his own eloquent language, that all he may say on these subjects passes by me, as a puff of empty air.

And as for Dr. Hardenbergh's unabating zeal to deprive me of my Church, which induced him to even leave the Chair as President of Classis in Nov. 1850, in order to give me a broadside; and now appearing again with equal zeal in the arena of Classis to put forth his power to deprive Naboth of his vineyard at all hazards, I remark that such conduct evinced by him is surpassing strange. For must he not be aware that the fact is well known to all the members of this Classis, that this very brother has found it convenient to change stations more frequently than any other member of Classis, and has met with sad reverses in his church matters, both here and in Philadelphia, (witness Orchard-street Church, Crown-street Church in Philadelphia, and Franklin-street, still more recently and who, even at the

present time, has no good ground to believe that his mountain stands so strong that he never shall be moved, and who may yet ere long come to the conclusion, that I gave him the most judicious advice, when I kindly urged him to take my Church in 17th-street, and commence a new enterprise up town, and thus let me go on to the new location selected on the eastern side of the city. Now knowing these things, is it not surpassing strange, that he should join in the hue and cry of mad dog *against me and my Church* with such continued vehemence? But is it not equally evident that these things should not be so, especially among ministers of the Gospel, who should (if they cannot throw their arms around a struggling brother and help him bear the burthen under which he may be bending) should, at least, be careful not to add either by word or by deed to the increase of that burthen, knowing that we all are yet in a world where the wheel turns round, so that the one who is up to-day, may be down to-morrow.

As my mind is most deeply impressed with the belief that the case now under discussion in Classis arises from a fixed determination to break me down at all hazards, and that it is strikingly conducted in its managment so as to form a parallel with the case of Naboth and his vineyard of Old Testament memory, and knowing, as I do, that contumacy and bespattering the character of an individual is a charge quite as convenient and easy to get up in an Ecclesiastical Court as the charge of blasphemy and the other things alleged against poor Naboth to accomplish his ruin. I am not taken much by surprise in the conspiracy against myself, as it is only what has been predicted by my friends all around me from my first movement in endeavoring to procure an adjustment of the ministerial legacies under the management of the Ministers, Elders, and Deacons of the Collegiate Reformed Protestant Dutch Church of this city, and being aware that no shadow of justice or even-handed fair dealing with myself, is to be expected where they bear rule, I find myself compelled to repair for redress to a more impartial tribunal, knowing that the God of Naboth yet lives.

I am, as usual, yours, respectfully,

JOHN S. EBAUGH.

New-York, Nov. 18th, 1851.

PROTEST

Of the PASTOR, CONSISTORY, and GERMAN REFORMED CHURCH in the city of New-York, handed into Classis Nov. 18th, 1851, in reply to the Preamble and Resolutions brought before Classis, Oct. 21st, 1851, by Rev. T. W. Chambers, the JUNIOR PASTOR of the COLLEGIATE REFORMED DUTCH CHURCH, for the purpose of disbanding said German Reformed Church in the city of New-York, on account of its feebleness, etc.

At a meeting of the Consistory of the German Reformed Church, held Oct. 24th, 1851, at No. 160 East 23d-street, the following Resolution was unanimously passed:

“Unanimously resolved that the following resolutions be passed and entered upon our minutes and a copy transmitted to Classis at its next meeting in Nov. ensuing, as stated in said resolutions.”

Whereas, this Consistory has taken into serious and deliberate consideration, after having received definite counsel from high legal and ecclesiastical authority, the subject introduced into Classis on October 21st, in reference to the German Reformed Church in the city of New-York, therefore, Resolved that this Church, which was organized out of a colony set off from the South Dutch Reformed Church in Garden-street, 1758, and was one of the Churches represented in the General Convention held in the years 1771 and 1772, which formed the Constitution of the Reformed Dutch Church in North America, and signed by the Pastor and Delegate of this Church for said purpose: and whereas this Church did not at that time, nor any subsequent period, cede to the Classis, nor to the Synod, nor to any other body, the authority to disband this Church or organization, excepting on the joint consent or request of Pastor, Consistory and People of this Church and organization: We therefore, hereby enter our united and solemn protest against any such attempted interference with this Church on the part of Classis or any other Ecclesiastical body.

Resolved, That whereas, it has for years been the prayerful and deliberate belief of the members of this Church, that the interests of this Church would be greatly advanced by connecting ourselves with the South Classis of the Reformed Dutch Church, as stated in the Preamble and Resolutions on the minutes of this Church of November 4th, 1850: therefore, resolved that our Pastor and the Delegate of this Church, be requested to make an application to the Classis at its next meeting, for a certificate of dismissal from said Classis to join the South Reformed Dutch Classis of New-York with as little

delay as possible, and thus relieve the Classis of New-York from any further responsibility of this Church and Corporation.

(Signed,)

JOHN S. EBAUGH, *Pres. of Consistory.*

Elders, { J. P. DIETERICH,
IRA BENJAMIN,
THOMAS BAILIE.

Deacons, { JOHN WALLACE,
GEORGE FROELIG,
WILLIAM BORN.

We, the undersigned, being members in full communion with the German Reformed Church in the city of New-York, join in the above protest and application for a dismissal from the Classis of New-York, in order to be connected as a Church with the South Classis of the Reformed Dutch Church as above stated.

(Signed,) CARL KLAUBERG, 195 William-st.,
SUSAN COLLINS, 73 West 15th-st.,
ANN WALLACE, 101 West 17th-st.,
RUTH CAMERON, 100 West 19th-st.

There not being time to see all the members at their place of residence, it was deemed expedient to lay the foregoing application before the Church after public worship, as noted below.

At a meeting of the German Reformed Church, held Nov. 16th, 1851, at the Hall corner of 20th-street and 2d-avenue, on motion, Wermuldus C. Kuypers was appointed Secretary, when it was unanimously resolved that this Church and congregation unite with the Pastor and Consistory in the foregoing Protest and Application to the Classis of New-York in order to join the South Classis of the Reformed Dutch Church.

This is to certify that the above is a true extract of the proceedings of the Consistory of the German Reformed Church in the city of New-York, on the above date. This application was rejected by Classis, reasonable as it was.

(Attest,) WERMULDUS C. KUYPERS, *Sec'ty.*

[DOCUMENT NO. 2.]

New-York, December 6th, 1852.

To the Classis of New-York :

Dear Brethren: You will receive in connection with this communication my answer in writing to the Report of the Committee of Classis, as also of the charges founded on said Report, together with the Resolutions passed at a recent meeting of the Consistory of the German Reformed Church, in the city of New York, in relation to the interests of said Church and its Pastor, now pending before Classis; and I once more beseech you by every consideration sacred to the rights of all parties concerned in the premises: First, to read, ponder and digest the contents of said answer, before you proceed any further in the matters now before Classis, in relation to myself and the Church of which I am Pastor. As I here once more, and that for the last time on this subject, hold out the Olive Branch of Peace, on terms which the conscience of every one must say are perfectly reasonable and Christian as they are contained in the conclusion of my answer. In case you should decide to go further in the direction this matter has taken so far, we shall at once receive it as a challenge for war on a broader scale, and prepare for it accordingly.

Yours, respectfully,

JOHN S. EBAUGH.

P. S.—There is another subject to which I invite the special attention of Classis, viz.: It is declared Eccl. 7, 7, that “surely oppression maketh a wise man mad.” Hence, if I have used great plainness of speech or may be tempted to use it yet in the matters before Classis, I wish it not to be attributed to any personal ill-feeling towards any, but as growing out of the nature of the discussion before Classis, and I therefore entreat you not again to treat me as the Sanhedrim treated Stephen, when his speech became so close and pointed to the members of that Ecclesiastical Judicature “that they cried out with a loud voice and stopped their ears,” and would hear him no longer, but proceeded to silence his speech with a volley of stones.

I am yours, respectfully,

JOHN S. EBAUGH.

There is one express statute of God's house to which I demand a direct and unequivocal compliance, as an indispensable preliminary to my putting in my plea of guilty or not guilty; and this is contained in the following passages of the law and testimony of God's house itself. Acts of the Apostles, 23d chapter 23d and 25th verses. “The soldiers when they came to Cessarea, and delivered the epistle to the

Governor, presented Paul also before him." And the Governor, when he read the letter, said unto Paul, "I will hear thee when thine accusers are also come." And again, Acts 25th, v. 3d and 4th,—To whom Festus answered, "It is not the manner of Romans to deliver any man to die, before he which is accused have the accuser face to face, and have license to answer for himself, concerning the crime that is laid against him." Hence in accordance with these stand points of the *word of God*, I request and demand to know the persons who are ready to endorse the contents of that Report of the committee of Classis, and the charges founded on them and assume the responsibility of proving them to be true? Which being done, and having my accusers face to face, I shall then be ready to put in my plea of guilty or not guilty.

Upon presenting the foregoing Scriptural poser to Classis, in relation to having my accusers face to face before putting in my plea, Dr. De Witt arose and stated in Classis that he hoped I would wave all technicalities, which I promised to do, on condition of the Classis permitting me to put in my answer in writing to the Report of the Committee of Classis and the Charges founded on it at present, and which permission, by a solemn resolution of Classis, was guaranteed to me, when I immediately proceeded with the reading of my answer to said report and charges, but I had not read a page, when the truths contained therein, plied certain members of Classis so closely that in utter violation of all good faith they proceeded to violate their pledge given me, and like the Sanhedrim in the case of Stephen, began to cry aloud, to stop their ears, and refuse to let me go on. I then told them frankly that they were bound to hear these facts, unwelcome as they might be to them; and, in fulfilment of this promise, have permitted the Consistory of the Church to give a more detailed history of our matters pertaining to the Church of which I am Pastor.

I am yours respectfully,
JOHN S. BRAUGH

ANSWER

To the Report of the Committee appointed by Classis, Oct. 21st, 1851, on the subject of the German Reformed Church in the city of New-York, and delivered by said Committee at an adjourned meeting of Classis held Nov. 18th, 1851, and also containing the Answer to the Charges founded on the Report of said Committee tabled against Rev. John S. Ebaugh, by Classis, at a meeting held Nov. 24th, 1851.

In relation to the appointment of a Committee to scour the highways and hedges of the city of New York, for the purpose, if possible, of raking up filth to bespatter the character of a minister of the Gospel, I do say that it is degrading the character of the ministry of the Gospel to a most humiliating and woful degree, so that some of the Laity present on the occasion when said Report was delivered in Classis, had only too much reason for making the remark that the Clergy engaged in this business, appeared more like so many bloodhounds, than the followers of the meek and lowly Jesus. And I beseech the members of this Classis to reflect for a moment what an awful amount of mischief and havoc could speedily be brought about in any Church in this city, if an inquisitorial committee should go through from house to house in search of malcontents, and for the purpose of raking up filth to bespatter the character of its pastor. And hence I don't wonder that Brother Gordon manifested such anxiety to be released from said committee and such a business. And while on this subject, let me tell the Chairman of this committee, and originator of all this mischief, that I stand ready to pledge myself to procure more names of members and hearers in the Church in which he preaches, to sign a paper granting him permission to withdraw from said Churches at his earliest convenience, than he can procure in my Church to speak evil of me, or that would be willing to part with me as their Pastor; by just passing from house to house among his people as he has been doing among my people. No wonder, therefore, that he and his colleague in this inquisitorial visitation, met with rebuffs from members of my Church sufficient to crimson the cheeks of any man whose conscience is not seared as with a red-hot iron; but of which they have taken very good care not to say one word in their famous Report.

So much by way of introduction, and now for the matter of the Report itself. And here I remark that the Report contains untruths and slanders as great as can well be imagined, and which although the detailers of them may seek to screen themselves under the pliant and convenient protection of the Classis, from the penalty of the law,

let me tell them they will find themselves wofully mistaken if they persevere in their procedure, for according to the axiom of the present and eternal world "The receiver is as bad as the thief." "And as he who steals my purse, steals trash; 'twas mine, 'tis his, and has been the slave of thousands!—But he who filches from me my good name, robs me of that which not enriches him, and makes me poor indeed." Neither the committee nor those members of Classis who endorse the contents of that Report, or the charges founded upon them, shall escape receiving their due reward.

But now for particulars: Will any member of this Classis lay his hand upon his heart and say before Almighty God that he ever heard me say, in giving in my Report of the number of communicants in the German Reformed Church, after leaving Forsyth-street, that there were even fifty communicants who attended the place where we worshipped? If he has, let him arise and do so, or forever hold his peace on this subject. No, Brethren! I was always very particular in mentioning from year to year the number of communicants as appearing on the list of communicants, but that, being scattered all over the city, but a small portion of them attended the Church where we worshipped; so that any other construction put upon the Report of the members in communion with the German Reformed Church, in the city of New-York, is a gratuitous construction of the members of the Committee and Classis themselves, which they may please to adopt, in order to discredit my report. But which Report, according to the Constitution of the Reformed Dutch Church, which expressly retains all members in communion, until they are dismissed from said Church, by certificate, death or suspension, whether they attend Church for the time being with the other portion of the congregation or not, I assert most boldly, according to the best of my knowledge, is true, and the number of communicants has not been exaggerated; so that this is a most sorry manœuvre.

But in the next place, the Committee feel quite certain that they have found something against me, by an interview with Mr. Rudolph Aeby, a former Deacon of the German Reformed Church, in the city of New-York; and the contents of which conversation they carefully note down and detail to Classis with great gustibility, and in which, said Mr. Aeby censured me severely, as being the cause why they lost possession of the Forsyth-street Church. But said Mr. Aeby forgot that I had in my possession, and Mr. Chambers had in the archives of the Church, in which he ministers, documents that directly contradicts the statement to the Committee, as contained in the following letter, addressed by himself and all the other members of the Consistory, and signed by themselves individually, and sent to the Collegiate Reformed Dutch Church, bearing date as follows:

New-York, Feb. 27th, 1846.

DEAR BRETHREN,—Our circumstances at present compel us to address you on the subject of our much afflicted Church in Forsyth-st., and earnestly entreat you to efficiently remember us, by aiding our Pastor, the Rev. John S. Ebaugh, with pecuniary means to enable

him to persevere in his efficient and indispensable labors to regain all our rights again, by the speedy decision of the Chancellor, to our Church and Property. As you may perhaps have heard ere this, we have used all Christian means, since the decision of the Court of Errors, to obtain a compromise of matters with our opponents, the Lutheran Party in said Church; but invariably have been repulsed by them, although our Pastor, Mr. Ebaugh, ingenuously offered to withdraw (and this is the third time) from all connection with said Church, (with the consent of Classis,) on condition of the parties uniting with each other, in the choice of a minister in connection with the Dutch or German Reformed Synod. But all propositions have been rejected, and they manifest a determination, not only to rob us of all our property, but also to hold our brethren liable for the additional sum of \$6,000. We are thus shut up to make another effort to secure our undoubted rights, or to submit to ruin. We have, therefore, chosen the former alternative, and have procured an Injunction against our opponents upon filing our Bill against them, and our prospects appear truly encouraging, and promise a speedy and successful termination of said controversy, unless our *faithful* and *persevering* Pastor, the Rev. J. S. Ebaugh (whose conduct in this whole matter, from *beginning to end*) has merited our *unfeigned confidence* and *gratitude*, is forced to withdraw from the contest, for want of means to support his family; and which alternative, we most sincerely deprecate as disastrous to all our interests as a Church. And as we are divested at present of the income of said Church Property, it is out of our power to afford a support to our Pastor, until we get through our difficulties.

As the oldest legitimate *daughter* of *your Church*, organized by a Colony set off from your *Church*, in 1758, to whom can we look with such child-like confidence as to you, as our still prosperous and much more *happy mother*, for the aid we indispensibly need for our Pastor's support, under present circumstances? In the confident anticipation of a favorable response to our Pastor's application to you, which will accompany this, we are your sincere brethren in Christ. Signed by (and I wish the Classis to mark the names, as a perfect quietus to all such slanders as the Committee have detailed as coming from Mr. R. Aeby), Elders, Henry Gable, Conrad Braker, Daniel Fisher and John Schwab; and Deacons, John P. Dieterich, William Born, and Rudolph Aeby. (Every member of the Consistory at that time.)

To this application, reasonable as it was, we received the answer from the Collegiate Consistory, that it was inexpedient to grant any relief in the premises; and we were thus compelled to give up our rights to that property, for want of means to carry the matter through Chancery. If any member of this Classis indulges a doubt on this subject, let the Classis send for Mr. Cornelius Bogert, who has the original letter referred to, in his possession, as stated Clerk of the Consistory of the Collegiate Reformed P. Dutch Church, in this city, as signed in their own hand writing. And thus have we disposed of the slander of Mr. Aeby.

But we are not quite done with the contents of this letter yet; as its statements at once unravel the cause why Mr. Conrad Braker, (who was, at the time said letter was forwarded to the Collegiate Reformed Dutch Church Consistory,) an Elder of the German Reformed Church, and who most cheerfully signed said letter, made the thrust at me, to which he alluded in his statement to the Committee of Classis, and which said Committee have seized upon with such avidity, and detailed to Classis, as a dumb founder of me, why I did not choose to render an account of the secular affairs of my Church, in 17th street, just after it was dedicated in July, 1848. The Classis will recollect that the Consistory of the German Reformed Church, stated in this letter to the Consistory of the Collegiate Reformed Dutch Church, that the Lutheran Party in Forsyth-street Church, had not only robbed them of all their Church property, but were also determined to hold them liable for the additional sum of \$6,000. Therefore they concluded to make another desperate effort to regain their rights. Hence it was, that when I proposed to purchase the Church in Seventeenth-st., in the name of the Consistory, the Consistory refused to take it or to invest one dollar in it, to pay for it. I then purchased it at a venture myself, and then relied on the proffered aid of my friends to help me to finish it, and upon voluntary subscriptions of the benevolent public at large, to aid in carrying on the enterprize. But I had scarcely finished said Church, when an Elder and Ex-Elder of the German Reformed Church, waited upon me at my house, and requested me to call a meeting of the Consistory, and agree to pass a resolution pledging the Church and Lots in Seventeenth-street, to stand as an indemnity to secure the Trustees of Forsyth-street Church, against their personal liability, for the payment of said \$6,000, referred to in the foregoing letter to the Collegiate Consistory.

With this request I utterly refused to comply, but called a meeting of Consistory, for the purpose of filling up vacancies in the Consistory; at which meeting Mr. Braker made an effort to coerce me to enter into a settlement of the pecuniary matters of the Church in view, of also getting another resolution passed, pledging said property, with my consent, as an indemnity as before stated, although his term of office had expired some six months before this meeting of the Consistory. I then stated with decision, that the meeting was called for the express purpose of filling vacancies in said Consistory, and immediately proceeded to read the Constitution of the Reformed Dutch Church, in relation to Consistories, and then upon a motion, proceeded to elect members to fill said vacancies, when Mr. Braker made the remark he alluded to, in his statement to the Committee, and immediately left the meeting, which was the first and last time he was in said Church, after it was dedicated. And it is thus I dispose of the marvelous statement of the Committee and Mr. Braker.

As for the list of communicants which contains the Covenant in German, I state again what I stated in Classis, that said Covenant and the names attached to it were, with a few exceptions, prepared under the inspection of the Rev. John Rudy, who was then President of Classis, and was handed over to me by him in person, as the genu-

ine list of members in full communion with the German Reformed Church, in the city of New-York, and from which list, I uniformly made my reports ever since my connection with said Church, as its Pastor; varying such Reports from year to year, according to the deaths which occurred among said members, or the additions made to said list of those who connected themselves with said Church, on confession or otherwise. So that if there be any want of genuineness in said list, or of the actual membership of any whose names are thereunto attached, the blame does not lay at my door, but as the very date of the List and Covenant, will prove that such persons imposed themselves upon our good Brother Rudy, as the then President of Classis, and he, in good faith, handed over said list to me as genuine, and I have ever used it as such, and believe it to be such yet, with the exception of a few names contained in it. And it betrays a keen desire of the Committee to fish up something to criminate me, in dwelling with so much emphasis on this list of Communicants, as if I were to blame for matters that took place long before I took the Pastoral charge of said Church.

And the Committee show an equally jaundiced state of mind, in shewing a willingness to violate the very Constitution of the Reformed Dutch Church, by holding out the idea that those members of the German Reformed Church, in the city of New-York, are no longer members of said Church, because they attend other Churches for the present, and also detailing their conversation with such persons as the young widow, Mrs. Henrietta Low; but I will not expose the reason why she did not attend my ministry for some time before and after her marriage to Mr. Low, though I could easily do so.

And in relation to the fifteen persons found on our list of communicants, which the Committee of Inquisition hunted up; I put it to any member of said Committee, or members of this Classis, if such are not in good faith to be considered by the Pastor and Consistory, as members, until they are regularly dismissed from the Church in which they were regularly enrolled as Communicants. And this is precisely the case with the persons who yet reside in this city, and whose names are found on said list, as neither myself nor any member of our Consistory, or even our Grand Consistory, ever knew or heard of any one single person whose name appears on said List, as ever having been dismissed by Pastor or Consistory to any other Church, or as having even joined the Party who at present occupy Forsyth-street Church, which is not the "German Reformed Church, in the city of New-York;" (*for that is our Title, and always has been.*) But whose actual *Title*, as the Inscription on the marble tablet, in front of said Church, in Forsyth-street, emphatically proves, is "*The Independent German Reformed Church*," and such it actually is, as it stands in connection with no Classis or Synod in the Union.

And hence the simple question, on oath, put to each of those persons on said list of communicants; "Have you been regularly received into the communion of the German Reformed Church, in the city of New-York?" being answered in the affirmative. And that

answer being followed by another question equally plain—"Have you ever obtained your Certificate of dismissal, and joined another Church, as a member in full communion with such Church?" Being answered in the negative, would at once decide that the Ryno's, Dyson's, Schwabs, Low, Batcheleys, and other persons, whose names appear on our list of members in communion with the German Reformed Church, in the city of New-York, is quite as numerous as the returns I have handed in to Classis on any occasion; and which is precisely in strict accordance with the very words of my annual Reports to Classis, as the stated Clerk cannot produce a single copy of any return, that I ever made to Classis since I was installed Pastor of said Church, but was couched in this language: "Annual Report of the German Reformed Church, in the city of New-York," and signed on the respective dates of the meetings of Classis in the spring, *John S Ebaugh, Pastor*, and any addenda, such as Forsyth-street, Seventeenth-street, &c., were made by the stated Clerk himself, as descriptive of the place of worship, and therefore cannot be charged to me, as stating that any particular number of said communicants worshipped in this or that place.

As to the information the Committee received on the subject of our never having held the communion of the Lord's Supper, while in Forsyth-street Church, I answer that is true! For, although I was always ready to attend to that solemn and delightful ordinance, yet as we were kept in continual litigation by our opponents, we, as a Consistory and Pastor, upon consulting with each other on this important subject, concluded to postpone the administration of said ordinance from time to time, in hopes of having matters with our adversaries adjusted, so as to join in with each other around the Sacramental Board, and thus partake with each other as of a feast of love. But owing to the glorious uncertainty of the law, this period never arrived, until we dedicated the Church in Seventeenth-street, where we found such seasons so sweet and profitable, as to adopt the resolution in the Consistory, (as you may learn from the Books of Record,) to hold communion every two months, while in that Church; and what was very gratifying, we had additions to the communion on every such occasion but two, while we were in Seventeenth-street.

I come now to the grave charge of the Committee: "That the Consistory of Seventeenth-street Church, had settled up my salary to 1850, and I afterwards have brought suit against the Consistory, to recover pay for my services again. This charge is wholly untrue, as the Book of Minutes of the Consistory, in possession of the Committee at the time they made out their famous report, directly contradicts this; for said record proves that said Consistory only settled up my salary for a term of service from November, 1847, to May, 1850, and for this short space of time, they acknowledge a balance due me on account of salary, of \$908. And I therefore call upon said Committee, or any one else, to prove that any suit has been commenced by me, to recover pay for any time of service for which I have received pay. In the last place I come to the charge of contumacy and impeaching the motives of certain members of Classis, in relation to their conduct in the case now under discussion.

In answer to this charge, I again say that it was far from my thoughts to treat the Committee with contumacy, as the whole of my correspondence shows. For my first note to Mr. Chambers, expressly states that the object of our wishing to receive a copy of Mr. Chambers' Preamble and the Resolutions of Classis, was to lay them before the Consistory, in order to be able to consult with each other, so as to treat the Classis in the most decorous manner; and as soon as we received a copy of said Preamble and Resolutions, I immediately stated in a letter to Mr. Chambers, our willingness to meet the Committee. And this in common decorum, we, as a Consistory, had a right to insist on, preparatory to our meeting with the Committee. So far was I from being contumacious towards the Committee, that I have been rebuked by Ecclesiastical and Legal advisers, for consenting to hand over our secular Book of Minutes of Consistory at all to the Committee, as they all maintain the position that Classis has no business with the temporal concerns of our Churches at all, unless called in for advice by the Pastor and Consistory of the Church.

And now to test the truth of this position, let the Classis pass a unanimous resolution, enjoining upon Mr. Chambers and his Colleagues and Consistory, to bring into Classis all their Books of Minutes of Consistory, together with all their documents, for the purpose of undergoing a thorough examination of a Committee and Classis, in reference to temporal and spiritual transactions, so as to learn more especially how they have, and are yet, carrying out the vast trusts committed to their care, (which would be a very desirable object to a vast majority of the members of both Classis of the Reformed Dutch Church, of this city,) and will, or would Mr. Chambers, or his Colleagues and their Consistory, obey the summons think you?

Why, Brethren! we have only too tacit evidence on this subject, with what a death-like grasp they hold fast, and keep back from public inspection, the Minutes and proceedings of their Consistory, even when ordered by the Supreme Court, to produce them, a tacit proof of which I have in my possession, in this order of said Court, granted June 3, 1851, and duly served on Dr. John Knox, as *President*, and Cornelius Bogert, Esq., as *Clerk*, and Isaac Young, Esq., as Treasurer of the Consistory of the Collegiate Reformed Dutch Church, in the city of New-York, ordering the officers of said Church, to place their Books and Documents in their hands, possession, or under their control, in the hands of the County Clerk, for forty days, in order that they may be examined by Ministers and their Counsel, in relation to matters of vast interests to the great majority of the Pastors of Dutch Churches in this city. But how has this order of Court been obeyed by the Pastors and Consistory of our mother Church? Why, I will tell you, brethren! The order has been resisted by all the force, both their Counsel, Drs. Wood and Lord, could bring to bear against it, and not a Book or Document will be forthcoming, until these brethren and their Consistory are compelled to produce them by the strong arm of the Law.

But I anticipate that our Brethren, and their Consistory, will be ready to take the stand of the famous Judge, when he learned that

his neighbours bull had gored his ox, as his neighbor, by mistake, had informed him, and ingenuously enquired of him what was to be done in the premises? To which the Judge, well skilled in the Law, at once replied, "Why, the case is plain: pay me for my ox!" "But," said the neighbor, "I have made a mistake in my statement. It is *your* Bull has gored my ox to death." To which the learned Judge replied, "Ah! that alters the case, and we will enquire into the matter." So that if any of the Dutch Churches in this city, as daughters of our mother Church, should be a little obstreperous in such cases, it is not to be thought strange of, for the adage is as true as it is old: "As the mother, so is the daughter."

I come now to make my answer to the other part of the first charge, founded on the document I left on the desk of Classis, when business of vast importance rendered my absence from Classis necessary. As to the answer contained in said Paper, to the Preamble and Resolutions of Mr. Chambers, in reference to my Church, and the severe speeches he made against me and my Church, and People, at the meeting of Classis, October 21st, and afterwards, no candid and attentive observer of the officious part he has taken in this matter, both last year and this, at the Autum meeting of Classis, will for one moment deny, that he richly deserved to have his pure mind stirred up by way of remembrance of the results of his own ministry in his present station, as contrasted with others, whom he would piously desire to blot out from Ecclesiastical existence. This is also true of Dr. Vermilye and Dr. Hardenberg, neither of whom should think that I have become their enemy, because I told them the truth, as dragged out of me, in answer to their hard speeches against me; for I have had occasion to observe things as I have passed along in this city, which justifies me in saying of those brethren all I have said, especially, as I have only acted in so doing, on the novel motto introduced into Classis by Mr. Chambers, when we last met here, viz:—"That we are at perfect liberty when acting officially; to act with an unbending severity towards each other, and then to relax into the appearance of suavity in modo, in our private intercourse and correspondence with each other." Although I confess I am at a loss how to explain the pretensions of that one, who can in one breath, commit Ecclesiastical martyrdom upon me, and yet profess to great personal friendship towards me.

But to come now to the part of said document, at which certain members of Classis appear to have taken the greatest umbrage, viz: My candid opinion and frank avowal of my full conviction, that there were circumstances existing in this Classis, which utterly prevented me from anticipating a fair and candid and purely righteous and charitable decision of the crusade against me, set on foot by the junior Pastor of the Collegiate Church. And these are facts and circumstances which would, without hesitating, exclude one half of the members of our Classis from the Jury Box of any Court in our city or country, in a similar case; and I have been amazed that our brethren, who have taken such a prominent part on this subject, evince such an utter want of delicacy in the part which they have, and

are yet acting. The fact is, and our brethren of the Collegiate Church may seek to disguise it as they please, that the whole matter now pending before Classis, is a pitched battle by the Ministers of the Collegiate Church, against me, in which they, under profession of an unusual desire to promote the well-being of our Zion, in this city, have come to the conclusion that both Naboth and his Vineyard, alias myself and my Church, should be rooted, out of the Ecclesiastical land of the living. And these brethren have, with the aid of Dr. Hardenberg, stood up to this work for the last eighteen months, at the various meetings of Classis, with a zeal worthy a better cause. In proof of this statement I call upon every one present to canvass the whole of this subject in the various phases in which the onsets upon me and my Church have been made, since April, 1850, until the present meeting of Classis, and to call to mind who were the almost exclusive actors in the premises. Was it not the Ministers of the Collegiate Church, as aggressors, and myself as *one, against four*, acting on the defensive.

Accordingly, when any of them was discomfited, some one of the others came to the rescue, until all were brought to silence about a year ago. But the junior Pastor of said Church, acting on the motto *Nihil desperandum*, comes to the conclusion, that *he must break a lance with me*, before all is given up for lost; and hence, the renewal of the onset in the October meeting of Classis. But what are the other circumstances referred to? Why the fact is well known, that these brethren and their Consistory, find themselves on the verge of being called to an account of their stewardship, in relation to the manner in which they have managed and applied the annual income of the Ministerial Legacies of Steenwyck and Harpendinck; and they imagine that I must have a hand in it. Therefore, in the language of the Ex-Attorney General: "If they could kindly induce me to commit Ecclesiastical suicide, they would, no doubt, find it much to their convenience, as it respects the impending investigation." But finding me disinclined to such a measure, it is desired to trammel and break me down in the way now in progress, by trying me, as it were, by a packed jury, consisting to a great degree, of persons under their own *influence*, if not *positive control*. For such is emphatically the case with only too many of the members of the Classis, to permit me to anticipate an unbiassed judgment from them in the premises, whatever confidence I might place in the integrity of said individuals in other matters.

But now for the facts. Take, for instance, our young brother, A. R. Van Nest, Pastor of the Twenty-first-street Church. We all know that he is the grandson of the great Corrypheus, in the management of the Ministerial Legacies, for almost the last half century, and hence, as soon as Mr. A. R. Van Nest became the Pastor of the Twenty-First street Church, it was at once adopted as a pet Church. and as such, they received a donation from the Collegiate Church, of some \$1500, although his worthy predecessor, in that Church, being one of the *marked men*, could never induce said Consistory to grant said Church while he was Pastor, one dollar to pay the debt of the new Church.

Take brother Van Aiken, of Bloomingale, a person in whom I have the greatest confidence; but how does he stand in relation to the Collegiate Church? Why, said Collegiate Church hold a mortgage upon his Church, for some \$1500, so that if he crooks his finger against their interest, he is entirely at their mercy.

In relation to brother Demarest, (a brother in whom I have always had great confidence,) how does he stand relative to the question now under discussion! Why, it is perfectly well known that he obtained his present appointment in a great measure, through the influence of one of the Collegiate Pastors, and hence it is very natural that he would incline to favor his benefactor—at least I would not run the risk of such a bias in the present case. This is still more, the case with some of the young brethren of Classis, such as brother Van Doren of Mott Haven, who stated to me, last spring, in the Intelligencer Office, "Now I will go dead against you in relation to the suit about the Ministerial Legacies, for if you gain said suit, I cannot get any of the proceeds, as I live out of the city." And in accordance with this, he stated at the meeting of Classis, in October, that my Church ought to be disbanded, to get it out of the way, as he wanted to go and collect funds in this city, for his Church in Mott Haven.

And so also, with our younger brother Loyd, who stated to me just after the organization of his Church, that they depended on the Collegiate Church for assistance. This is also the case with Brothers Guldin and Brett, for although they have not received their support from the Collegiate Church directly, yet they receive it from a society which is well known to be much under the influence of said Church.* I might easily go further into detail, but I have adduced proofs enough to satisfy any impartial mind, that my statement in the document referred to, is only too well founded for my comfort or safety in the premises. For take away these Ministers and their Elders, (for the

* In relation to Brother Brett, it is well known that he cheerfully subscribed his name to the list of complainants in the Bill, now pending before the Supreme Court, as also his quota of contribution to aid in carrying on said suit, but a few weeks afterwards he addressed a note to Rev. Dr. Marselus, and one to Rev. J. S. Ebaugh, stating that he wished his name erased from said list, as his friends said it might operate against his interests. And Brother Cornell furnishes a tacit proof, how such a strict adherence to principle, while receiving aid from the young mens' Missionary Society, in the city of New-York, was brought to bear upon his support from that source, as it will be found by a reference to the Book of Minutes of said Society; that shortly after he became a *marked man*, by signing the friendly memorial to the Collegiate Consistory, for the adjustment of the Ministerial Legacies, said Society adopted a resolution that it was inexpedient to grant him any further aid in the Missionary Church, of which he is Pastor. And this is precisely the same case also with Brother Guldin, whose pious opposition towards myself for years past, is easily traced as it is developed in the Report handed into Classis in November, 1850, to a very definite source, and who would have now been among the rest of the *marked men*, on the list of prosecution with Dr. Marselus, but gave as his only reason of declining to place his name on said list, his inability to furnish his small quota of means, at the time of filing of said Bill. And he was among the first to predict to me these things now coming to pass, if I stood firm on this subject, and yet gives them his aid at present.

adage holds generally true, "like priest. like people,") together with the Ministers and Elders of the Collegiate Church, and Dr. Hardenberg, who is also deeply committed on these subjects, and you will sweep away on the best grounds of impeachment in relation to this trial, no less than eleven Ministers and ten Elders, at once disqualified to set as accusers or Judges in this case, now pending before Classis; and hence I feel that I have the consciences of you all on my side, that only judge coolly and dispassionately on this subject. For take those out of the way, and my case would be easily decided by the few remaining members of Classis; or if referred to any other Classis in the Dutch Church—the whole process would be ignored as unworthy of the grave attention of their Classis. For as Dr. Knox was permitted to quote a statement, the other day in Classis, made to him by a member of another Classis: "That he wondered that they did not suspend me at once, after the reception of the document I left on the table of Classis." The Classis will pardon me for making a statement I received from a member of another Classis also, viz: "That he wondered that the Ministers of the Collegiate Church were not ashamed to be found continuing their persecution of me, as it was out of their power to disguise their object in so doing from the public, in the present circumstances of the Dutch Church in this city."

And when I look out upon the planes of our Zion and behold the bones of the prophets scattered along the way, by this very influence brought to bear upon them—I allude to Messrs. May, Lillie, and Demund, who might all have been retained with great usefulness in their stations in this city, as laborers in our branch of Zion, if a different policy had been adopted towards them and their Churches, by our common Mother, the Collegiate Church; I must be slow of observation not to see breakers ahead in my own pathway, knowing full well that I, in common with those just referred to, belong to the *marked* men.

To conclude the whole matter, I ask you candidly, brethren, whether with a slight alteration Russels pathetic song, called "The Indians Complaint," and commencing, "Why does the White man follow my track;" would not apply in a great degree to the treatment I have received at the hands of some of my ministerial brethren for years past. For to the credit of the lay brethren, who have appeared as Delegates on the floor of Classis, very little has been said by them either against me or my Church. And, I have no doubt, that not a few of them have felt ashamed of their ministers, when they beheld such a rabid disposition evinced by them, to use up a man who has never done them any injury. For I boldly appeal to all present, if they ever knew me to bring an accusation against any one in my life. For all I have been compelled to say, has invariably been by way of reply to hard speeches and proceedings against myself, as I have always stood and acted merely on the defensive.

But to be a little more particular: take a view of the treatment I have received more especially during the two past years. A Commit-

tee is appointed by one of the Collegiate Pastors, when President of Classis, without any solicitation on the part of either myself or my Consistory, and in my absence from the stated meeting of Classis for the first time in 12 years, to enquire into my relations to the German Reformed Church, and this at a time when we had not a word of difference or root of bitterness among us. And by this entering wedge, encouragement is given to a certain member of my Consistory, to accomplish certain designs of great interest to himself; and by a bold threat on his part, what he would do with me through the Classis, if I refused to accede to his wishes; I take the alarm, and am determined to stand on my guard until the next stated meeting of Classis, so that the reasons of my seemingly obstreperous conduct in the premises, might be laid before the Classis at a large and general meeting of that judicature, which being done, I then, according to the instruction of Classis, hand over all the books and subscription list, into the hands of an able and talented Committee, consisting of Dr. George Fisher, Dr. James Hardenberg, and Elders, Wm. S. Ross and Judge D. P. Ingraham, the latter of whom being thoroughly well qualified for the task, as being intimately acquainted with the laws of Cæsar and Caiaphas, and after due and thorough examination of all the documents in their possession, the committee bring in the following report, which was unanimously adopted by Classis:

“ Classis of New-York, held at Yonkers, Dec. 31st, 1851.

“ The following Report was read and adopted :”

“ The Committee, on the affairs of the German Reformed Church, beg leave to report. Upon the organization of the Church, while worshipping in Forsyth-st., the Classis received into their connection this Church, as represented by Rev. John S. Ebaugh, and the Consistory reorganized by him at that time. That he has continued in such connection with the Classis, down to the present, and has, with an Elder from his Church, been a member of this Classis at its different meetings, that from that time to the present, that there has been elected Elders and Deacons in said Church, sufficient to continue whatever organization it had when so received. That your Committee have no means of ascertaining what measures were originally adopted in the Church in Forsyth-st., at the time it was received by Classis; and submit this as the only statement they can furnish in regard to its organization, and that in their opinion, the following persons compose the Consistory of such Church, viz: as Elders, Ira Benjamin, S. S. Ryno, and J. Dyson; as Deacon, Thomas Bailie.”

Signed by the Committee. And with this Consistory, as instructed by Classis, I settled all the pecuniary matters of said Church, from Nov. 1847, to May, 1850, when, by a unanimous vote of Consistory, they acknowledge a balance due me of \$908, for that term of service.

All things being amicably adjusted by me and my Consistory, I fondly trusted that I might once more settle down and make preparations to get underway with a place of worship, for my afflicted and tempest tost people; but all this fond anticipation has been, for the present, interrupted by the mistaken zeal, and towering ambition

of the Rev. T. W. Chambers, in order to play the same game with me as to my Church, which he played with a man who has done more for him than his father, (I mean Professor McClelland) in using his influence to induce our Synod to accept his resignation of his Professorship in the Seminary, and thus sever from that fountain of life's blood to our Churches, a man of the most distinguished ability of our age or country, and for which I promise him the benediction of the Ex-Professor, on his return to this country, in all the original eloquence he can command.

Mr. Chambers accordingly, during the Session of the Classis, Oct. 21st, 1851, brings forth his present Preamble and Resolutions, in relation to my Church and myself; and, like young Saul of Tarsus, procures credentials from the Classis, (the sanhedrium in this case) to go up to our Damascus, and on the arrival of him and his associates, means are adopted, calculated to make havoc *among*, and to *scatter* my Church to the winds. And when he returns to Classis with what he considers quite sufficient materials to answer his design, he goes on and brings all forward, in battle array against me, according to the suggestion of Rev. Mr. Brett, at the former meeting of Classis, who gave the advice to Classis, that Jezebel gave to Ahab, viz: To adopt measures to accuse, condemn, and destroy Naboth first, and he could easily procure his Vineyard. To which Dr. Knox very blandly replied, "Oh! no, there is nothing against Mr. Ebaugh." But where there is a *will* there is always a *way*. Therefore the advice is taken—accusations are hunted up against me, just about as well founded as to truth, as those were against poor Naboth; and during the discussion of the Report, Mr. Chambers pays a most signal compliment to my character, for indomitable energy and perseverance in any matter in which I embark, founded on his long and intimate acquaintance with me; and this he does, no doubt, for the purpose of preparing the mind of Classis, for shewing due honor to himself, if he manages to floor this man of energy and decision; say, vote him a D. D., or some other token of merit for doing with me, what the other Committe, mighty as it was, failed to accomplish in his estimation.

Having been advised of all this, I felt myself reluctantly compelled by advice of Counsel, to adopt measures to resort to a Tribunal, where I felt confident of obtaining more evenhanded justice. And thus has Mr. Chambers brought about a state of things in the Classis of New-York, at which Devils laugh, and Angels weep! And for which he must bear the responsibility!

I have now given a fair and unvarnished statement of the whole case now pending before Classis, in *writing*, according to the advice given me by "mine own familiar friend, in whom I trusted." I mean brother Gordon, viz: "Never to trust matters of such importance to mere extempore speeches, but put all down in black and white, and then others can't so easily get away from them." And *which*, those members of Classis, who are determined to push these matters to extremities, so as to stretch forth the hand to commit Ecclesiastical fra-

tricide, will find to haunt their consciences like Hamlet's ghost, when they realize the consequences of such a course. But for the advice just alluded to, I feel under lasting obligations of gratitude to brother Gordon, in another point of view; as it has this decided advantage of enabling me to hand over all the documents, if I am compelled to do so in self-dence, into the hands of my Consistory, in order that they may all be published, from 1837 to the present date, under the seal of the Incorporation of the German Reformed Church, in the city of New-York, and thus leave the community to bring in the verdict who are the oppressors, and who the oppressed, which is always the safest for the oppressed and persecuted.

However, *I make this one offer to all concerned in these matters yet, that, with these explanations, I am yet willing to drop the whole unpleasant affair, and as much as possible bury it in the grave of oblivion, on condition that the Classis kindly grant myself and Church a certificate of dismissal to join the South Classis of the Reformed Dutch Church, the members of which promise to throw their kind influence around us, and enable us to get on better than ever. "Here I stand! I cannot do otherwise—God help me!" I plead not guilty of the charges preferred against me. It is therefore for the Classis to decide, on their own awful responsibility, what is to be done in the premises.*

Yours most respectfully,

JOHN S. EBAUGH.

New-York, Dec. 1, 1850.

APPENDIX TO THE FOREGOING.

To the Classis of New York, Dec. 22d, 1851.

For the reasons clearly stated in my Answer to the Report of the Committee of Classis, and the charges founded on said Report, I hereby enter my solemn and deliberate protest against the following members of Classis being permitted to sit as Judges in the matter now pending in Classis against myself, viz: Rev. John Knox, D. D., Rev. Thomas De Witt, D. D., Rev. T. E. Vermilyea, D. D., Rev. T. W. Chambers, Rev. J. H. Hardenbergh, D. D., Rev. W. R. Gordon, Rev. P. M. Brett, Rev. E. Van Aiken, Rev. J. Demarest, Rev. W. W. Van Doren, Rev. A. R. Van Est, and Rev. W. Lloyd, together with the delegates appearing on the floor of Classis, who represent the churches of which any of the above named Ministers are pastors, in consequence of the obligations pecuniary or otherwise, under which they are, directly or indirectly, to the Collegiate Dutch Church and its Pastors. And I do hope that a becoming sense of delicacy will lead them collectively to withdraw from any participation in the trial now before Classis, and if these matters are to be investigated by Classis, the discussion and adjustment may be done by the remaining members of Classis who are not so evidently disqualified to sit as impartial judges in the premises.

I am yours, respectfully,

JOHN S. EBAUGH.

ANSWER TO THE INJUNCTION OF CLASSIS,

To produce the Secular Books of Minutes of Consistory, Papers, &c.

Whereas, it is a universally established maxim in all courts of law and equity, and especially in all criminal courts of jurisprudence, and still more so by the Law of God's House, that no person shall be tried again upon like charges, and whereas the Books of Minutes and Subscription List and other papers and vouchers pertaining to the German Reformed Church in the City of New-York, and the enterprize in Seventeenth-street, have all been handed over into the hands of a Committee of Classis in Nov. 1850, consisting of Revds. Drs. George H. Fisher, J. H. Hardenbergh, and Elders William S. Ross and Judge D. P. Ingraham, and after having been duly investigated, and the whole of the relations between myself and the German Reformed Church in the City of New York were reported in writing to said Classis, and said Report was unanimously adopted by the Classis,

held at Yonkers, Dec. 31st, 1850, and the whole of the spiritual and pecuniary matters of said Church were again canvassed and definitely settled according to the injunctions of said report adopted by Classis, and with the persons designated by Classis. I do therefore hereby enter my solemn protest against the right of Classis to enjoin upon either myself or the Consistory of the German Reformed Church in the City of New York, of which I am Pastor, to again produce our Books of Minutes, containing our secular transactions of said Consistory, as a species of Resjudicata utterly repugnant to all civilized and ecclesiastical usages, and for these reasons I decline having any hand in furnishing said secular Book of Minutes of Consistory again to Classis, or furnishing Classis with any evidence calculated to continue these injurious and oppressive measures brought to bear against the welfare of the Church, of which I am Pastor.

Yours, Respectfully,

JOHN S. EBAUGH, *President.*

And that the above ground is well taken, is abundantly evident from the fact that Cornelius Bogert, Esq. peremptorily refused, as the clerk of the Collegiate Consistory, to produce in Classis a simple document of writing belonging to said Consistory, even when ordered to do so by a Duces Tecum issued to him by the Classis.

A TRUE COPY.

New-York, Dec. 29th, 1851.—Having demanded of the Classis to shew me my accusers, according to the express law of God's house, at the different stages of the trial now pending, and this demand never having been met or complied with on the part of the Classis, as the Revd's William Van Doren and J. Lord both avow themselves to have been appointed by the Classis as a Committee to draw up said charges, and to prosecute the same, without their seeking and against their voluntary consent, I do again enter my solemn Protest against, and hereby file my exception to the whole of this trial, and the manner in which it has been thus far conducted, as being utterly unfair and oppressive, and as intended to shield certain members of this Classis from the legal consequences of libelling and slandering me, in detailing the most foulmouthed slander to Classis against me, according to the action of Classis, as it appears from its records in the premises. I am yours, respectfully,

JOHN S. EBAUGH.

29 Barclay Street, Oct. 24th, 1851.

Rev. Mr. Ebaugh: Dear Sir—I am instructed by the Committee appointed by the Classis on Tuesday last, to request you and your Consistory to meet them in the Consistory Room in Fulton-st., next Monday at 10 1-2 o'clock, immediately after the ministerial meeting

has adjourned. Please bring with you your present book of minutes, and your old one also. Very respectfully, yours, &c.

T. W. CHAMBERS.

New York, Oct. 24th, 1851.

Rev. Mr. Chambers:—I am instructed to inform you in answer to your note of to-day, on the request of members of our Consistory, that they would thank you to forward to them a copy of the preamble and resolutions first, in order that we may first lay the matter before our Consistory at its next meeting, so that we may act in the premises, so as to be most conducive to the interests of this church and also most decorous towards the Classis, as none of us have received any official information as to the object and the powers of the Committee.

I am yours, respectfully,

JOHN S. EBAUGH, Pres. of Consistory.

October 27th, 1851.

Rev. J. S. Ebaugh: Dear Sir—In reply to your note of the 24th I have to say that the stated clerk is the proper person to furnish copies of the Classis. As you were present at Classis you know the object of our appointment and that the Classis enjoined you and your Consistory to furnish your minutes for our examination. I therefore, in the name of the Committee, summons you to meet us, with your books of consistorial minutes and membership, and as many of your Consistory as can attend, on Monday, Nov. 3d, at 10 1-2 o'clock, in the Consistory Chamber, Fulton-st. Yours, very respectfully,

T. W. CHAMBERS.

New York, October 31st, 1851.

T. W. Chambers: Dear Sir—In answer to your second note, I reply, that I have called on Dr. Marselus, and have also seen Brother Gordon, and both inform me that neither of them have a copy of your preamble and resolutions of Classis, and I must therefore insist on a copy of said document in order to lay it before the Consistory of our church, and then let them act on their own responsibility in the premises, as I do not wish to trust to memory in so important a matter.

Yours, respectfully,

JOHN S. EBAUGH, Pres. of Consistory.

29 Barclay Street, Nov. 1st, 1851.

Rev. J. S. Ebaugh: Dear Sir—Your note of the 31st ult. is received. Since you are so unwilling to inform your Consistory of the action of Classis, they are hereby informed that at the last meeting of the Classis of New-York, a resolution was offered that the German Reformed Church in 17th St. be dissolved. After a long debate, this resolution was referred to a committee, viz: myself, Rev. Mr. Gordon and the Elder Westervelt, to investigate and report on the matter, and it was also resolved that the Pastor and Consistory of said Church, be enjoined to produce their books and papers for the inspection of this committee, and render them every needful facility in their power.

Accordingly, I now for the third and last time summon you and your Consistory, or a delegation from them, to meet the committee in the Consistory Room, Fulton-st., on Monday, Nov. 3, at half past ten o'clock, A. M., and to bring with you your book of minutes of Consistory, the old book and the new one, and also, the register of the members of the Church. By order of the Committee.

TALBOT W. CHAMBERS, *Chairman.*

New York, Nov. 1st, 1851.

Rev. T. W. Chambers:—Your note of to-day has just come to hand, and in reply I inform you, as President of the Consistory, that I demand of you *a true copy of the Preamble which you brought forward before Classis in the premises*, as I do not choose to take any second hand explanations or statements on this subject, and until you meet this demand, pardon us for taking no further notice of you on this subject.

Yours, Respectfully,

JOHN S. EBAUGH, Pres. of C. G. R. Ch.

New York, Nov. 10th, 1851.

Rev. T. W. Chambers: Dear Sir:—Having obtained a copy of your Preamble and the action of the Classis in reference to the German Reformed Church a few days since, of Brother Gordon, we shall be ready to meet the committee, say on Thursday evening if you please, at our Hall in Second Avenue and 20th Street, say at 7 1-2 o'clock, or at such other place as you may designate. As our people are generally mechanics, the evening would be much more convenient for them.

Yours, Respectfully,

JOHN S. EBAUGH, Pres. of Consist.

Monday, Nov. 10th, 1851.

Dear Sir:—In reply to your note just received, allow me to say, that now the Committee desire your books of minutes before conferring with the Consistory. We therefore decline the proposed meeting, and request you to leave your books at the house of Mr. Gordon, as soon as you conveniently can, for our inspection. Respectfully yours,

T. W. CHAMBERS.

Rev. J. S. Ebaugh.

In respect to the charge of contumacy I have to say that none was intended, and that contumacy has not been proved; for the charge intended, and according to Dr. Webster's definition is "a wilful contempt and disobedience to any lawful summons or order of the Court." In the first place then, in order to sustain this charge by evidence, my prosecutors are bound to make it appear that I have disobeyed a lawful summons or order of the Court; for I deny that they, or any other Ecclesiastical judicatory have the right to disband a duly constituted Church, without its consent. This appears, from the nature of the Church of Jesus Christ universally, which is a Kingdom with-

in itself in perpetuity. So that whatever relative position it may occupy with regard to like or similar organizations, it cannot be deprived of its identity by a *power* from *without*, or *without* its *consent*. This is a wholesome and fundamental doctrine and cannot be encroached upon with impunity. But whether true or not in the general, it is particularly true with regard to the present case, for "The German Reformed Church in the city of New York, dates its independent existence prior to the Constitution of the Reformed Dutch Church of North America, so that when, and before it became a member of the confederacy under said Constitution, it was duly constituted a Church. Its acceptance by this classis was therefore a covenant relation for ecumenical purposes similar to that formed by the states of our Republican Union.

Now no one I apprehend would be so bold as to contend that the general government could by any possibility of legislation disband or wholly break up the state organization of any of the thirty-two States composing our nation, or deprive its citizens of their relation to such state government. Take another example; who of the members of this Classis will for a moment contend or admit that Dr. Marselus' or the Collegiate Church, could be disbanded and scattered by this Classis to the four winds without their application and consent? The proposition is absolutely absurd. The number of members is not a matter to be taken into the consideration. No, Brethren you have not the power to disband any Church without its consent. Your acceptance of it into your Classis was a covenant made between you and it, and you cannot destroy the existence of the body thus recognized, because it had an existence before it became a member of your body, and because it did not thereby relinquish its separate existing character, and which the statute of the State makes wholly independent of this, or any other Classis. If therefore, this Classis had not a right to disband my Church, the object and appointment of the Committee were alike *unlawful*, and the charge of contumacy based on, or disobedience to that summons cannot be sustained, but necessarily fails. The above applies equally to the last charge of the second specification of that charge. For really, I never supposed that it was contumacy for a man lawfully to insist upon the recognition of his rights, by doubting the authority of another.

Second, The Committee improperly demanded, without discrimination *all* the books and *papers*, *secular* as well as *Spiritual*, and therefore the command or summons was *unlawful*, and I have already shown that contumacy cannot be sustained for refusing obedience to an unlawful command.

Third, This charge preferred against me and my Church, is in the nature of an indictment, and it is the universal rule that no party can be made to plead without, or if he requires it, until he is furnished with a copy of the complaint or indictment against him. Therefore, having called for a copy of the charges, I was not bound to further heed the Committee of Classis of the 21st of October last, until furnished with such charges.

Fourth, The notes of Mr. Chambers of the 24th and 27th of Oct.,

referred to in the first specification of charges were wholly unofficial, not purporting to have been written by order or approbation of the Committee, and therefore, I was not bound to notice them. If it should be said that I actually recognized these two notes of Mr. Chambers in question, I answer yes, on the grounds of Christian courtesy, but not because I was obliged to do so. These notes therefore having been unofficial, no charge of contumacy can be maintained therefor. But I further insist that my answer to Mr. Chambers' first note, and my rejoinder to his second note, do not, nor do either of them furnish the least evidence of *intention* on my part, of contumacy towards the Classis or its Committee, and if they did I here again wholly disavow and disclaim any and the least intention of contumacy and in the name of high heaven! who will be so bold as to disprove my asseveration or impeach my veracity on this point? Let me see him!

Fifth, With regard to Mr. Chambers' third note of the 31st of October, I remark, that the time appointed thereby being only two days, as I only received said note on Saturday evening, requiring me and my Consistory or its representatives to be before the Committee on the next Monday, and I had not to that time been served with a copy of the Classis resolutions, and therefore it was too short a space of time allowed for us.

Sixth, As soon as I obtained a copy of the charges I informed Mr. Chambers, by my note of the 10th of November, of our readiness to meet said Committee, &c., and which note I insist must entirely vindicate me from the charge of intentional or actual contumacy.

Seventh, With regard to the first clause, second specification of charge first, charging me with contumacy, I have only to say, that the specification is wholly *unproved*. The fact is, I was not at the meeting of Classis at all on the morning of the 19th of November, the time referred to, and mentioned in the specification; having been necessarily absent on pressing business, and therefore I could not have withdrawn from Classis without leave, as there specified. As I was only absent from Classis like Dr. Knox, and many others from the same meeting of Classis.

With regard to the second charge and its specifications it is very clear from its language, that the Committee intended to brand me as a most foul mouthed *liar*; and I therefore do not wonder that its zealous prosecutor Mr. Van Doren, so far forgot his Christian character, as to frequently refer to me during this trial as "*that man!*"—And if my ecclesiastical character and brotherhood is not destroyed, surely it will not be his fault, as he stated to me while the trial was pending, that I would stand in need of the aid of all my friends after this trial was over, thus showing, at least, his kind and brotherly anticipations in the premises. And as to the disclaimers of the Ministers of the Collegiate Church of any bias unfavorable to myself, after the unremitting activity manifested on their part, for the last eighteen months, to trammel both myself and my Church, they must strongly remind every impartial person who has witnessed the part performed by them in these matters, of a certain kind of bird, which when pursued is

wont to thrust its head into a thicket and then imagines that it must be safely secluded, and safe because it can see no danger.

But I say with regard to the second charge, viz: making incorrect annual reports as to the number of members in communion with the German Reformed Church in the City of New York, to Classis, I reply again, as I have done in my answer to the Committee's Report to Classis, and the charges founded on it, that said reports are correct according to the established list of members in communion with said Church, and that list too as now established by two competent witnesses on oath, viz: Ex Elder John Schwab, who was the secretary of the general meeting of the Trustees and Consistory of the German Reformed Church in the City of New York, held in conference in said Church in Forsyth-st., June 8th, 1837, and of which meeting the Trustee George Gausman was chairman, and John Schwab the witness just referred to was secretary, and over which Rev. John Rudy, as a neighboring minister presided, and at which meeting said Deacon William Born was also present, and heard the objects of said meeting fully stated. For as the evidence of both these witnesses, who have been in office either as trustees, elder or deacon in this church, almost continually from 1837 to 1848, prove positively that the object of said conference meeting, and the getting up of said list of members in communion with said Church, was precisely in accordance with the injunction of the Classis of New York, in the 3d Resolution of the Report adopted by said Classis, in 1838, viz: "to exclude from the communion of said church those who did not properly belong to it." For as Deacon Born expressly testified, "the custom of the Lutheran party in this Church previously to this meeting, at which the Preamble and Covenant was adopted, was to admit tom, dick and harry to membership in said Church, merely on paying two or more shillings quarter money." The object of this Covenant therefore was to receive none but such as clearly and unequivocally expressed, their faith in the specific doctrines, rites and ceremonies established in our German and Dutch Reformed Church of North America, and thus rid said Church of the class of members in relation to which Deacon Born testifies. And this testimony of Deacon Born is corroborated by the evidence of Ex-Elder Schwab, the Secretary of the meeting, at which said document was unanimously adopted; and this evidence is also confirmed by the express language of the Preamble and Covenant agreement itself, which is still more decisive and unequivocal than any merely parole evidence, especially of such persons as Mr. J. Klauberg and Abbey, who both state on oath, that they were not present at the meeting at which said Covenant was adopted, and hence they could only give their views as second-handed or hearsay, as to the object of said official Document, or of the object of any person or persons in signing said covenant, excepting themselves. And hence no impartial person will attach the least importance to said evidence, as calculated to invalidate the genuineness of said list of members who, by their solemn profession and signature joined themselves to the communion of this Church, as contradistinguished from the Lutheran Party in said Church and all other Churches.

For I do fearlessly submit, that persons complying with the conditions laid down by the highest authority of said Church, and clearly expressed in said Preamble and Covenant, and *those printed too, in order to enable all to read for themselves, even those who might not be able to read said Preamble and Covenant, if merely in manuscript,* are by right members in communion with said Church, until dismissed by certificate, death, or suspension from the communion of said Church; and hence, although at a meeting of the Consistory of said Church, some time in 1849, a Resolution was passed, stating "that those members of the German Reformed Church, in the city of New York, who did not commune within a year from the time of the dedication of the Church in Seventeenth street, should not be considered as members of said Church;" Yet, as we found afterwards from the Constitution of the Dutch Church of North America, and from the nature of facts in the case, that no Consistory had a right to pass such a sweeping resolution, cutting off from communion without giving a hearing or trial to such persons, we at once, as witness Elder Ira Benjamin, Secretary of said meeting of Consistory, testifies, and the record itself proves, refused to approve of said Resolution, or to do any thing in the way of giving any of the persons referred to, notice of any such resolution, but have to the present day, permitted them to retain their standing as members in communion with the German Reformed Church in the city of New York. And in thus doing, we have only done what scores of our Ministers and Consistories of the Dutch Reformed Church are doing. For I again submit, with all due deference, whether we have a right by the Law of God's house, to exclude from communion those members, who by reason of removal to a very inconvenient distance from the place of worship, or in consequence of good and sufficient reasons to their own consciences, not, however, affecting their moral character, have absented themselves from the communion of the Lord's Supper for years together—and thus officially hand them over into the hands of the Devil, or at least give them over to the uncovenanted mercies of God, as belonging no longer to any visible branch of the Church of Christ? Why, Brethren, only let such a procedure be generally adopted by our Churches, and see what fearful havoc and decimation it would make in the members belonging to our *venerable denomination of Christians.*

And as to the causes why we did not hold communion while in Forsyth street, the united testimony of both Ex-Elder Schwab and Deacon Born goes to prove, to the satisfaction of any impartial mind—that being continually annoyed by our adversaries while in Forsyth street Church, we, on consultation, acted right in postponing said communion until we arrived at a period when we could come around the Sacred Board in peace and quietness, and thus hold communion with the Father and his Son Jesus Christ, through the Holy Spirit, to the nourishment and building up of the inner man. So that instead of meriting any censure for adopting such a course, I most sacredly believe that we deserve commendation, as by so doing we have only been using our best efforts to comply with the divine

injunction, Mat. 5, 23, 24—"Therefore if thou bring thy gift to the altar, and there rememberest that thy brother hath aught against thee, leave there thy gift before the altar, and go thy way; first be reconciled to thy brother, and then come and offer thy gift?"—thus cultivating a becoming tenderness of conscience. And as both the aforesaid witnesses, viz: Messrs. Schwab and Born testify, and this in accordance with the best of my knowledge, that none of the persons whose names appear attached to the list of members in communion of said Church have been dismissed, excepting the few which have been recently dismissed to other Churches, I boldly maintain that such persons are yet in communion with our Church, and as such, have a right to avail themselves of the privilege of communing with us, whenever they deem it meet and proper to do so for edification, and which, I have no doubt, will be the case with many of the persons whose names are on our list of members in communion, as soon as our tempest tost Church is permitted to settle down in peace and tranquility, so as to participate in said feast of love to mutual edification, as we know of nothing at present to disturb our harmony or to cause us disquietude, but those onsets brought to bear upon us by certain members of our mother Church, who should have been moved with the tenderest sympathy towards us as a Church and Pastor, when they found us mangled and bleeding at every pore, by a continued series of afflictions and misfortunes, (and those not brought upon us either, by our own imprudence,) insomuch as to have no place of our own where to lay our head, and thus whilst enduring privations, especially on the part of the Pastor of said Church, such as should move the heart of adamant to feel; instead of meeting with sympathy from said quarter, the opportunity is seized, just like the Czar of the North, when he beheld poor Hungary down trodden and outraged and weltering in blood, to bring his dependencies to bear upon, and by the gold of bribery and muttering thunder of cannon to run the ploughshares of destruction through that noble nation, who, in the providence of God had centuries ago put a stop to the rolling surges of Mahomedan power and God-dishonoring delusion, and thus humanly speaking, saved the banners of the Cross from being entirely expelled from continental Europe; and for which said Czar has an awful debt of blood yet to settle before high heaven, and we fully believe that the judgments of that God who rules among the nations, will not be held back much longer from rewarding him as he has treated the noble country of the Magyars. I say in like manner, the opportunity is seized by those who have brought on the present crusade against myself and Church, to make the attack upon us when in a state of deep affliction and embarrassment, by the Junior Pastor of the North or Collegiate Church, and to bring to bear upon us their various dependencies, so as to attempt to dismember our Church, even if it should have to be effected by hunting up accusations against said Church and its Pastor, *after the solemn statement of Dr. John Knox* (who has known me for more than thirty years), made in Classis. Oct. 21st, 1851, "*that there was nothing against me,*" *even up to this recent date, and this too, also, notwithstanding the many dark and*

assassin-like insinuations uttered against me in this religious wicked City of New York. I know that at this revolting picture of the case, now pending before Classis, many of the members who compose this Judicature, are ready to exclaim with horror, with Hazael of Old Testament memory: "Is thy servant a dog, that he should do this great thing!" But I would humbly say to such, beware then that you keep your hands clean from Ecclesiastical bloodshedding, in the case now before Classis, and remember that the solemn injunction applies to *ministers* as well as to the *laity*: "*Touch not mine anointed! and do my Prophets or Ministers no harm!*" Read, therefore, prayerfully the tragic history of Naboth and his Vineyard once more, and mark what become of the plotters and accomplices of his destruction, and then, as I sincerely believe, the voice of the inward monitor will be heard by you, as it were in thunder tones exclaiming, "halt in your present proceedings, and consign them as far as *may be to the ocean of oblivion.*" For, as I make the solemn asseveration that I have never made one annual Report to Classis of more members in communion with the German Reformed Church, in the City of New York, than I believe to be in said communion; I certainly have not acted blameworthy in the premises. And as I also make the solemn statement to Classis, fearless of contradiction, that the whole of this matter now before Classis, has been gotten up and conducted in Classis against me, in a spirit at utter variance with the rule of God's House: Mat. 18th, 15, 16, viz: "If thy Brother offend or trespass against thee, go and tell him his fault, first between thee and him alone; if he shall hear thee, thou hast gained thy brother. But if he will not hear *thee*, then take with thee one or more, that in the mouth of two or three witnesses every word may be established, and if he shall neglect to hear thee, then tell it to the Church;" as no member of this Classis has ever had the frankness or candor during all my long residence in New York, of more than 15 years, to come to me and state any grievances, much less, brought any others with him to do so before witness. I hope, therefore, that some remaining candor may be found in this body so as *to drop the present procedure, dismiss myself and Church to the South Classis of New York*, so that we may comply with the injunction of our Divine Master, viz: "When persecuted in one city, flee ye to another," in order to find rest, so that the Church of which I am Pastor, may be greatly increased and built up in the faith and hope of the Gospel.

Having thus fully sustained and proved by indubitable evidence, given by the most competent witnesses, my innocence of the charges alledged against me, viz: "Any intentional contumacy towards the Classis or its Committee. And also of having ever made any annual Report to Classis of a greater number of members in communion with the German Reformed Church in the city of New York, of which I am Pastor, than I yet sacredly believe belong to said communion," I certainly cannot be held accountable to Classis for any *intentional deception in the premises*, and said charges must of course fall to the ground. The other evidence aduced in this case is so utterly irrelevant to the charges preferred against me, that I don't

wish to take up either my own time or the time of the Classis, with canvassing it, although I could easily do so, if the game was worth the amunition.

As to the third charge, which if proved, would make me out in principle a highwayman, but in relation to which, I had on the floor of Classis, and have yet in my possession witnesses (both documentary and living,) to prove myself clear of even the scent of suspission; I remark that after considerable shuffling on the part of Mr. Van Doren and others, stating that they could prove it under another form, but when he was asked if he felt willing to do so when I met him out of Classis, he replied, that he had only made said statement in Classis and did not wish to say any thing about it out of the meeting of Classis; thus using the Classis as a protection whilst sending forth an insinuation black as the charge itself, to stab a brother under the fifth rib. This *third charge*, by the manly candour of Dr. George H. Fisher, after a good deal of evasion on the part of others, was by a resolution of Classis entered upon the minutes as withdrawn, as there was no evidence to sustain or prove it, and thus so far as the Classis has to do with it, it has been disposed of. But brethren, I reiterate what I have before stated in the presence of Classis, that if such an attack can be gotten up with impunity under the protection of Classis as the one now made upon me, and I am not even yet told who are my accusers, in the premises, then I do say with all due deference to the powers that be, that Fieshe's Infernal Machine invented in Paris, to blow mens' bodies to atoms, is no comparison in mischief to a Classis thus organized and brought to bear upon a member belonging to it; and it is therefore high time to test at another Tribunal competent to the task, whether in our Land of civil and religious Liberty, such things as have been brought up in this Trial may be tolerated or passed by with impunity. I have done!

Summing up of the foregoing case prepared for the adjourned meeting of Classis, February 16th, 1852, sanctioned by the members of Consistory of said Church.

JOHN S. EBAUGH,
President of Consistory.

REPORT

Of John S. Ebaugh to the Classis of New-York, handed in to the Committee appointed by said Classis in April, 1850, "to enquire into the affairs of the German Reformed Church and Report to said Classis.

In the year 1837, while on a visit to New-York, I was engaged as stated supply of the Broadway Tabernacle, at \$20 per Sabbath, in which Church I labored for three months with good success, as we had an addition of from twelve to sixteen members on confession at each monthly communion. While thus laboring with great pleasure among that people, the Lutheran Clergyman who had occupied the pulpit in the German Reformed Church in Forsyth-street died, and I was invited by an unanimous vote of the Consistory of said Church to preach *as a candidate* for the pastoral charge of that Church. This I consented to do, but soon found out the scheme of getting another Lutheran Minister into said Church, and hence refused to let my name be used as a candidate; but I was afterwards prevailed on by our late excellent Brother Rudy, in connection with a majority of the Trustees of said Church, to come to their aid in procuring their rights as a people, to have a Pastor of their own denomination again placed over them. This stand taken by the true members of said Church gave rise to the suit in Chancery, in May, 1837, in which month I was appointed by the Board of Trustees, who had the legal control of the property of that Church, as stated supply of that Church for three months; and as such it was deemed necessary by our counsel to prove to the court *who I was and what was my standing as a German Minister*, which was accordingly done in the most satisfactory manner by the then President of the German Reformed Classis of Philadelphia, to which Classis we both at that time belonged; I mean our late good Bro. John Rudy, who bowed at my side at the altar of God when we were both ordained to the Gospel ministry, and was thus intimately acquainted with my character and standing from the commencement of my ministry to the time of his testimony on oath. The other witness to my character and standing as a minister was the Rev. Abraham Berkey, whose oaths on the subject are as follows:

City and county }
of New-York. } ss.

John Rudy, of the city of New-York, being duly sworn, says that he is a Clergyman and Pastor of the Evangelical German Reformed Church in Allen-street in the city of New-York; that he is also President of the Classis of Philadelphia, which

embraces the German Reformed Church in that part of Pennsylvania and New-Jersey State, and of the Southern part of the State of New-York; that he is well acquainted with the Rev. John S. Ebaugh, now of the German Reformed Church in Forsyth-street, New-York; and has been well acquainted with him for many years; that the said John S. Ebaugh is a Minister duly ordained of the German Reformed denomination of Christians, and is a member in good and regular standing of the Classis of Philadelphia, and is a man and clergyman both respectable, and is reputed in the said denomination and by others for his piety and talents in the ministry of the true Gospel.

[L. S.] (Signed,) JOHN RUDY.

Sworn this, 3d day of July, 1837, before me,

FRANKLIN BROWN, *Commissioner of Deeds.*

City and county }
of New-York } ss.

Abraham Berkey, of Allentown, Pennsylvania, being duly sworn, says that he is by occupation a Minister of the Gospel, of the German Reformed Church, duly ordained, and as such has been a member of the Classis of Lebanon, in Pennsylvania, for two years and upwards, last past; that said Classis is in cordial fellowship with the Classis of Philadelphia, mentioned in the foregoing affidavit of Rev. John Rudy, and that both of said Classis belong to the Synod of the German Reformed Church of North America, and this deponent has been well acquainted with the Rev. John S. Ebaugh, (now of the German Reformed Church of Forsyth-street, New-York,) for several years past, and knows that the said John S. Ebaugh is esteemed as a minister of the Gospel of *decided* and *sound piety* and *talents*, and that he is a member of the Classis of Philadelphia, of which the Rev. John Rudy is President, and that he is in good and regular standing in said Classis, and with the said denomination and others according to the understanding, information and belief of this deponent.

[L. S.] (Signed,) ABRAHAM BERKEY.

Sworn before me, this, 3d day of July, 1837,

FRANKLIN BROWN, *Commissioner of Deeds.*

In May, 1838, I also obtained a dismissal from the Classis of Philadelphia, to join the Classis of New-York of the Reformed Dutch Church of this purport: viz.

"Resolved that the Rev. John S. Ebaugh be and is hereby dismissed at his own request, from this Classis, for the purpose of connecting himself with the Classis of the Reformed Dutch Church of New York, to whom he is affectionately recommended."

Signed by the Officers of said Classis.

Upon this certificate I connected myself with the Classis of New-York, by a resolution of said Classis, and at the same meeting of said Classis; at the request of the commissioners from the German Reformed Church in Forsyth-street, I was appointed stated supply of

said Church, after an able report and resolutions of a committee of Classis were received and *unanimously* adopted; declaring said Church to be under the jurisdiction of said Classis, and solemnly denouncing the occupants of said Church at that time, viz.: the Lutheran party, to be intruders, and their conduct in the premises to be most injurious and oppressive. Of this committee, Dr. John Knox was Chairman, and Dr. William C. Brownlee, Smith Bloomfield and A. D. Stevens, were members. Thus was I linked in with that Church by the Classis itself, in order to stand up to their aid in procuring them even-handed justice, in regaining the rightful possession of their Church property. And at a subsequent meeting of the Board of Trustees and Consistory of Forsyth-street Church the pledge was given me, that as soon as matters were settled in that Church, they would give me a call as Pastor of that Church. Upon this express understanding, I entered anew with all my energies upon their defense, and acted not only as their minister and preached statedly to them in the Lecture room of the Market-street Church for about two years; but also acted for them at that time as their agent to collect funds to meet the heavy expenses in the prosecution of the then pending suit in Chancery, in relation to the rights of said Church, which suit lasted seven long and to us most trying years, before we procured the masterly decision of Chancellor Walworth, which put us into the possession of said Church and property in May, 1844. For during the whole of these seven years of the most complicated and burdensome labor the whole amount of money I received for preaching and labors in the ministry fell short of \$1,600; while the item of house rent alone, during the same period, amounted to upwards of \$1,500. Thus was I left to support a wife and nine children for the whole of this ever memorable period, under the most crushing weight of care and anxiety, and in some of the greatest straights I was compelled to test the fraternal sympathy and generous liberality of some five or six of my brethren in the ministry of our own denomination, who received from \$2,000 to \$4,000 salary at that time, by way of asking the favor of a small loan in money and that for a short time, (for I never asked for a donation from one of them) and I am sorry to say that I learned by sad experience, that (with a few exceptions) they practiced upon the principle, "Be ye warmed and be ye fed, but not at our expense or inconvenience," and this, in the gross violation of the injunction to care for the things of others as well as our own, and exposing themselves to the fearful charge in the epistle of St. John, "That if we have of the good things of this world and see our brother suffer and do not afford him the needed relief, how dwelleth the love of God in us?" I know that the reply to all this on the part of some of them is: "Let Ebaugh help himself, what have we to do with his straights?" But I ask with all candor is not this the language of Cain, and in uttering it or acting on the principle it contains, is it not placing themselves in rather bad company; instead of taking the path so clearly placed before them in the Bible, acting so that in the day of fiery ordeal, which all must sooner or later pass, they may in conscious integrity say, "When the ear heard *me* then it blessed me; and when the eye saw me, it gave witness to me, because I delivered the poor that cried and him that

had none to help him. The blessing of him who was ready to perish came upon me." But still these may say "Have we not a right to do with our income as we please?" This position I utterly deny, as every Christian, and much more every minister of Christ is solemnly bound to use himself and his all for Christ. But oh, how awfully do such fail in this who rather live in extravagance, or hoard up their gains which may fall out in the end to unbless their offspring, and thus prove a deleterious example for their flocks, while they hear them preach one thing and practice another, by letting their poor brethren shift year after year for themselves without giving them a word of encouragement, or lending them aid temporally when they are down in the valley.

But still such cold-hearted indifference and neglect may be profitably improved, as it certainly has been in my case, to lead to the practice of the divine injunction "cease from man whose breath is in his nostrils and put your trust in "that friend who sticketh closer than a brother." And thus has my heart become on the subject of relying on man as a weaned child. I said in connection with this subject that there were some honorable exceptions among our brethren, and such in an eminent degree were Dr. Hutton, and the Rev. J. M. McAuley, who always evinced a spirit of sympathy and active kindness towards me, and often afforded me most seasonable aid; and by which course of conduct they have lost nothing, as the blessing of God does and will attend them in the pleasing experience that it is more blessed to lend than to borrow; whilst having again received that which they had lent. But I would confine these strictures to the conduct of some of our ministers to whom they apply, viz.: those who have the *means* or should have from the ample income they receive, to afford aid to their neccessitous brethren, but have not the *heart* to do so; but they do not apply to two-thirds of our brethren in the ministry in our city, who have to struggle on, and that oftentimes too, with large families on a very slender income. But to be a little more specific on the subject of the accommodations I received from the Ministers of the Dutch Church in this city, of very ample income; they were as follows; (for I kept a strict account of the same) of Bro. Dr. Knox, I received two loans, each of \$30 for two weeks, and four other loans for the same length of time, each \$25; all of which were returned. From Dr. Vermilye I received five loans each of \$10, for a week or ten days, all of which were returned. I repeatedly applied to Dr. Dewitt for a similar accommodation, but was met by the cheering reply "that his funds were *so low* that he could not accommodate me. This is all the amount of personal aid I received in twelve years of labor, in New-York, from this source, the last seven years of my labors and toils in this city. I have never asked an accommodation from any of them. But while thus left to drag along under the heavy burden with about as much comfort and sympathy as Job received from his friends from the source just referred to, God did raise up true, active friends who stood up to my aid like men. Among these, Dr. Milner, of blessed memory, occupied a most prominent place; as he loaned me well nigh \$1,000 at different times, and that with cheerfulness, often making the cheering remark that he would lend me one-half of all

the money he had on hand ; and all of these loans have been returned to that blessed man of God, with heartfelt gratitude ; so that I spent some most pleasing hours in his company afterward, and just before he was called home to receive the reward of well-doing.

Another of these prominent friends whom God raised up to my efficient aid, and who has lent me a similar amount from time to time, and that with a magnanimity and cheerfulness which will ever be remembered by me and mine with heartfelt gratitude, is Mr. William Remsen, of Waverly Place ; so that if we only go forward in conceived duty, God who has all hearts under his control, can and will take care of us.

But while on the subject of sympathy and ungenerous dealing from sources from which I certainly expected better things ; I refer to the following, as a proof of the fact, that the Pastors of the Collegiate Church, who, not by any superiority of talents or acquirements over many of their brethren, but only by sheer good luck have got into the gulf stream, viz., the Collegiate Church, and are hence, as facts prove, utterly disqualified to judge correctly in relation to their less fortunate brethren, who have to battle with the eddies on the margin of the stream in Churches which can afford but a slender support to their Pastors.

In February, 1843, in consequence of utter destitution of means to support my family, or of paying my house rent, while our suit in Chancery was yet pending, and my landlord actually gave me notice that unless I paid him some \$200 or \$300 then in arrears, I must quit his premises, and that in midwinter too ; the Consistory of Forsyth-street Church addressed a very imploring letter to the different Churches of our denomination in this city, setting forth in vivid colors our deplorable condition and soliciting aid of them by collections or otherwise. We received from some six or seven Churches aid to the amount of \$96, for which we felt grateful, as it assisted in some small degree to alleviate our intolerable burden of more than \$1,000, then crushing me to the earth ; but as relief from this source was so very limited, and as I had for some two months or more been doing all the preaching in the Evangelical Mission Church in Houston-street, in consequence of the severe illness of their worthy Pastor, Brother Guldin, I was constrained to transmit a letter to the Collegiate Consistory of the Protestant Reformed Dutch Church, setting forth in plain language, my utterly destitute condition in midwinter, and imploring their aid to the amount of \$200, in order to pay my house-rent in part, and thus escape the alternative of being, together with my family put into the street in that inclement season of the year ; which request was granted at a meeting of said Consistory, held February 13th, 1843, in the following style :

“ Another letter from the Rev. John S. Ebaugh was read, thanking the Consistory for what he had received by the collections, and urging his present wants : Whereupon, resolved that the sum of \$200 00 be given and paid to him, and that the collection in the North Church in his favor be dispensed with.”

[Extract from the minutes.]

CORNELIUS BOGART, *Clerk.*

This sum was received by me with heartfelt gratitude, as it enabled me to pay a part of my rent, and a few of the most urgent grocery bills then pressing me. I accordingly stated to Brother Guldin while walking up 2d-street with him from his residence, that the Collegiate Consistory had been so kind as to make me a donation of \$200, which I had received, and with which amount I could square off some of the most pressing demands against me, so as to enable me to continue my labors in his Church for some time longer, and that although I did not anticipate adequate pay for my labors in his Church, during his long and distressing illness; if he or his people could give me assistance after a while, I would let my grocer's bills run on for some time; and thus, although I had calls to preach in other pulpits, yet I would not desert him. With this understanding, we parted, and I continued my labors, doing all the preaching in said Church for nearly four months in all; after which I sent in a small bill for only \$95, to the Consistory of said Church, so as to assist in paying the means of subsistence, while thus engaged in laboring among them. But what was my surprise to find myself headed off from receiving one dollar from either Mr. Guldin or his Consistory, by a copy of a letter from Drs. Knox and DeWitt containing an extract from my letter to the Consistory of the Collegiate Reformed Protestant Dutch Church in Feb. 1843, asking for the above mentioned \$200 as a donation; and putting such a construction on said letter as to show that said Consistory had granted said \$200, (the only sum I ever received from them) not from sympathy towards me, but in order to secure a supply for Mr. Guldin's Church, and plainly indicating in their certificate on this subject, that I had received said \$200, as quite a sufficient remuneration for any indefinite length of labor among said people, as the following certificate shows:

"The undersigned certify that the above is a true extract from Mr. E's communication to the Consistory of the Collegiate Church, and that, in their judgment, the assurance it contains that their acceding to Mr. Ebaugh's request was securing and remunerating a supply for the German Evangelical Mission Church, had direct influence in procuring the grant of \$200.—They are distinctly of opinion that Mr. Ebaugh has no just claim upon Mr. Guldin, or on his Consistory or people for compensation for services rendered by him to the German Evangelical Mission Church.

(Signed,)

JOHN KNOX, and
THOMAS DE WITT.

New-York, May 6th, 1843.

From which construction of the motives of the Collegiate Consistory in granting me the \$200, the inference is very plain that it was done, not out of any sympathy for me or my family, but out of sympathy towards Mr. Guldin and his Church. But the consequence was, that shelter was taken under the above communication, and I was deprived of every ability to pay any of the bills contracted while laboring for that people, and hence *arises all the pious opposition of Mr. Guldin towards myself* ever since his *kind and grateful returns* to me, for having proved myself to him a true friend in a *time of greatest*

need, even at a great sacrifice to myself. A proof as clear as the noonday sun shining in his strength, that said brethren, being carried along in the lap of abundance; receiving as they did, at that very time, at least \$4,000 each, of the proceeds of the ministerial legacies of Messrs. Steenwyck and Harpending, annually, and expressing the very sober conviction that \$200 was abundantly adequate for me to support a larger family on than either of them had dependent upon them at the time, for almost four months; whilst they were in the receipt of some \$1,200 each for the same length of time, for labors or services by no means so arduous as mine were; I say that this proves clearly, that they are utterly disqualified to judge correctly of the condition of such as are in great straits for want of means of subsistence. And as this class of ministers have no possible necessity to apply for the favor of a loan for themselves, they cannot be expected to enter into the feelings of those who are doomed to live day by day on the gracious answer of that divine petition, "*Father: give us this day our daily bread.*"

From the time I received the \$200 from the Consistory of the Collegiate Reformed Protestant Dutch Church on February 13th, 1843, until May, 1844, I suffered personal and family privations, sufficient to make the heavens weep, and which cost me many a briny tear,—which sufferings under the want of means to support my family, were greatly augmented by the reflection that whilst others of our brethren in the city, in weak Churches were receiving from \$200 to \$600 aid from our missionary funds per annum, I should be the only one to be passed by, without ever receiving one dollar aid from any of these sources, although laboring much more arduously than any of them, and not without manifest success; as the Church books of the German Evangelical Mission Church will prove, that at no period of that Church's history (from its organization by Br. W. C. Brownlee, Brother Rudy and myself in 1840, to the present period,) did it flourish more than during the time when I aided Brother Rudy, just before his death, and while I preached to said people after his decease, as stated supply of said Church; as there were twenty-five persons admitted on the unanimous vote of the Consistory of said Church (of which Consistory I never was a member, and consequently never voted myself) to the Communion of said Church on Christmas day, the last communion which Brother Rudy aided by myself, dispensed in that Church, and on the following Easter Sunday, I received, by a unanimous vote of said Consistory, fifty-two more persons into the communion of that Church, and seven weeks afterwards, viz.; on Whit Sunday, I again received upon the unanimous vote of said Consistory seventeen persons into the communion of that Church, in all ninety-four members were thus added to said Church in less than six months.

But notwithstanding all this, I was passed by from year to year by the Classis and Missionary Boards as to any aid even to the present day, after all the repeated imploring appeals made to them for assistance, as the following communication will show, and that in a cause to which the following emphatic testimony is borne by the following Brethren as well as by the Classis of New-York.

Extract from the minutes of the Classis of New-York, Oct. 16, 1838.

"Resolved that this Classis still hold unimpaired, and has never relinquished its jurisdiction over the German Reformed Church in Forsyth-street, and that it recognizes the Trustees, Elders and Deacons, who have this day memorialised it, (signed by sixty-three members) as the only official organ of said Church, whilst it regards those in actual possession of the Church property as usurpers."

Copy of a Letter to Mr. John J. Astor, January 30th, 1841.

"This is to certify that the members of the Consistory and Board of Trustees of the German Reformed Church in Forsyth-street, New-York, to whom the bearer hereof, the Rev. John S. Ebaugh, is preaching, and in behalf of whom he is acting, are the proper and rightful owners of said Church and property, and hence we are convinced that he is in the line of his solemn duty in standing up to their aid in procuring even-handed justice for them."

(Signed,) JOHN KNOX, D. D.,
S. A. VAN VRAUKEN, D. D.,
ABRAHAM VAN NEST,
THOMAS DE WITT, D. D.
JOHN RUDY, V. D. M.

And in this connection it must be borne in mind that all the troubles in said Church arose from *a culpable neglect of Classis to promptly protect the Consistory and the majority of that Church against innovations which a very unworthy minority of the members of said Church insisted on making in the relations of said Church in 1822 and 1823.* And that *I was appointed to have the rights in said Church and Classis again established in said Church;* and to this end have my untiring efforts been devoted ever since. And as to the manner in which I have discharged the complicated duties of minister and agent ever since my first entrance into the Forsyth-street Church, I adduce the evidence of the Consistory of said Church forwarded to the Classis at its meeting in January 1843.

New-York, January 14th, 1843.

To the Classis of the }
Reformed Dutch Church. }

Dear brethren in Christ: In consequence of our peculiar position at present as a Church, we feel constrained to apply to you for counsel and aid in such wise as your combined wisdom as a judicatory of Christ may direct.

The facts of our case are these: In the meeting of Classis in October, 1838, the Rev. John S. Ebaugh became a member of the Classis of New-York, after *which at our own request, he was appointed stated supply of our Church until such times, that our difficulties in said Church should be adjusted, when we immediately desire him to be installed among us as our regular Pastor, as he has served us both as Minister and Agent of our Board of Trustees in such an indefatigable manner as not only to enlist, but also to retain our unqualified approbation*

and *confidence* in him. But as those difficulties have been much more protracted than any of us had anticipated, and we are still kept out of the use of the funds of our Church, and have been subject to heavy expenses personally, we feel ourselves unable to afford our stated supply such aid as was necessary for the support of his family, and hence we have been compelled to apply to our brethren of the Collegiate Reformed Dutch Church in this city, for aid, who were so kind as to come to our assistance repeatedly; but as they find their pecuniary concerns in such a situation, at present, as not to warrant them in affording us further aid at present, and as we are utterly unable to help ourselves as a Church, and feel that it would be *disastrous* for us to lose the *untiring exertions* of our *stated supply* to maintain our interests, we earnestly entreat you, brethren, to aid us speedily in devising such measures as may afford the needed aid; and thus enable us to prosecute said case to a successful issue, as we feel confident will be done shortly, unless we are compelled to abandon it for want of aid.

We are, on behalf of our Church, your

Brethren in Christ,

HENRY GABLE, *Chairman.*

JOHN H. WIEGAND, *Secretary.*

From this communication as well as from a similar one addressed to the different Reformed Dutch Churches of this city, signed by all the Elders and Deacons of said Church personally, it must be evident to every impartial mind that I have passed through this fiery ordeal under the manifold privations to myself and family, to the *entire satisfaction* of the *office bearers* and *members* of said Church who are certainly the *best judges* of my conduct in the premises.

In the following year, viz., May, 1844, we obtained possession of the Church property in Forsyth-street, by a masterly decision of Chancellor Walworth, after which I was duly called and by order of the Classis of New-York, I was installed Pastor over said Church in July, 1844, at a stipulated salary, until said connection should be regularly dissolved by a joint application to Classis for this purpose. And under this call I have continued to act and labor for the best interests of said Church, until the present day; only making such voluntary deductions in the payment of my salary as I deemed right and proper for the time being; so that if the committee of Classis, should be willing to believe any senseless representation of any person or persons, that I was foolish enough to give up said call or relinquish any of my rights to the conditions therein contained, notwithstanding my positive denial of it; let them act accordingly and abide the consequences. For who ever found a minister idiot enough to promise to work for nothing and find himself, especially when doing double services, as has been my hard fate for years past?

On our gaining possession of the Church and property in Forsyth-street in 1844, the Board of Trustees relieved me in some degree by paying a portion of the sum due me on settlement with me on the 6th of June, 1844: and thus was I enabled to labor among them with a somewhat lighter heart, until January, 1846, when the decree of Chan-

cellor Walworth was reversed by the Court of Errors, and the rightful owners were again ousted after having settled up with me on the 1st of January, 1846, on which occasion the Board of Trustees of said Church gave me their bond under the seal of the incorporation, with a power of attorney to enter up judgment for the sum of \$1,961 44, not one dollar of which have I as yet received, and by which sudden reverse, myself and large family were thrown out upon a cold and unfeeling world, in the January of a very severe winter, without one dollar to purchase the necessaries of life; and after every honorable and Christian effort to compromise with our opponents, the affairs of said Church, in which we were repulsed; we were induced by advice of counsel, to file a new bill against them, with overwhelming additional evidence of our rights to the Church and property in Forsyth-street, and upon which bill we procured an injunction against the Lutheran party, for the time being; and applied in our great emergency for aid to the Consistory of the Collegiate Reformed Dutch Church, by a letter, dated New-York, Feb. 27th, as follows:

“ Dear Brethren:—Our present circumstances compel us to address you at present on the subject of our much afflicted Church in Forsyth-street, and to earnestly entreat you to efficiently remember us by aiding our Pastor, the Rev. John S. Ebaugh, with pecuniary means to enable him to persevere in his efficient and indispensable labors, to regain all our rights again by the speedy decision of the Chancellor, to our Church and property.

As you may perhaps, have heard, ere this, we have used all Christian means since the decision of the Court of Errors to obtain a compromise of matters with our opponents—the Lutheran party in said Church; but invariably have been rudely repulsed by them; although our Pastor, Mr. Ebaugh ingenuously offered to withdraw (and this is the third time) from all connection with the said Church (with the consent of Classis,) on the condition of the parties uniting with each other in the choice of a minister in connection with the Reformed Dutch or German Reformed Synod. But all propositions have been rejected, and they manifest a determination not only to rob us of all our property, but also to hold our brethren liable for the additional sum of \$6,000. We are thus shut up to make another effort to secure our undoubted rights, or submit to ruin. We have, therefore, chosen the former alternative, and have procured an injunction against our opponents, upon filing our bill against them; and our prospects appear truly encouraging, and promise a speedy and successful termination of said controversy, unless our *faithful* and *persevering* Pastor, the Rev. John S. Ebaugh, (whose conduct in this whole matter from beginning to last, has *merited* our *unfeigned confidence* and *gratitude*) is forced to withdraw from the contest, for want of means to support his family, and which alternative we most sincerely deprecate, as disastrous to all our interests as a Church. And as we are divested at present of the income of said Church property, it is utterly out of our power to afford a support to our Pastor until we get through our difficulties. As the *oldest legitimate daughter of your Church*, organized by a colony set off from your Church in 1758, to whom can we look with

such childlike confidence, as to you, as our still prosperous and much more *happy Mother*, for the aid we indispensibly need for our Pastor's support under present circumstances. In the confident anticipation of a favorable response to our Pastor's application to you, which will accompany this, we are your sincere brethren in Christ.

Elders } HENRY GABLE,
CONRAD BRAKER,
DANIEL FISHER,
JOHN SCHWAB.

Deacons, } JOHN P. DIETERICH,
WILLIAM BORN,
RUDOLPH AEBY.

In this application, reasonable as it was, we were repulsed by those who should not have grown weary of well-doing in the Collegiate Consistory and were finally compelled merely for want of means, to cease our efforts to regain our rights again to the possession of our Church property in Forsyth-street, which we certainly could have done if we had had the necessary aid of those who had it in their power, but refused the helping hand.

In relation to the affairs of the Forsyth-street German Reformed Church—the only monies I collected for that Church, as such on subscription, was the sum mentioned and handed over to the proper authority of said Church, as certified in the following receipt:

"This is to certify that the bills passed at the meeting of the Board of Trustees of the German Reformed Church in Forsyth-street on September 18th, 1844, were paid by collections made by Rev. John S. Ebaugh and Mrs. Eliza Ann Ebaugh, amounting to \$449 60."

WILLIAM BORN, *Chairman*,

JOHN P. DIETERICH, *Secretary, pro tem.*

And as to the other subscriptions made for the prosecution of the suit referred to, and which were spent during and in said prosecution, our Treasurer having died, after handing over his papers and accounts to the Lutheran party in accordance with the decree of the Court of Errors; I have never had access to them since, and the final settlement of the Board of Trustees in January, 1846, shows a balance due me, as already stated, of \$1,961 44, for which I yet hold their Bond under the Church seal and which remains unpaid.

And now, in conclusion of my Report upon this branch of my labors, I only make one observation in reply to the fluent speech made by a Minister of the Collegiate Church at the last meeting of Classis on the subject of my borrowing money from friends during the foregoing fiery trials, and that is, that all this mortification to which I had to submit, would have been avoided if he and others had faithfully carried out the trusts of Messrs. Steenwyck and Harpending, and therefore any flings from any persons connected with the management of that trust are entirely lost upon me, as I consider them my best eulogy in the position I sustain in relation to the adjustment of said legacies;

and therefore if, after all my fair and candid Report on the subject of my Church relations, together with the official Report of the Consistory of the German Reformed Church of which I am Pastor, and which is herewith again submitted, properly attested, I say, if after all these efforts to afford general satisfaction, our good Brother of the Collegiate Church should be induced to carry out his threat that he would offer a "resolution in Classis apprising the public that the Classis would not be responsible for any monies which might be collected by me in view of the prosecution of our present Church enterprise," I shall only add this to the other kindnesses I have received; and conclude by expressing the anxious desire that our Classis may be speedily put into possession of as full a report of the relations of the Pastor and the Consistory of the Collegiate Reformed Protestant Dutch Church, as to the application of the proceeds of the ministerial legacies of Steenwyck and Harpending, as the report herewith submitted; and until a satisfactory Report from said Ministers and Consistory be forthcoming, those brethren should be exceedingly modest in speaking about wrong-doing in money matters, especially as it is the glory of our land, that there are no privileged orders either in Church or State, and wrong-doing therefore is not to be tolerated in one department more than another.

In giving in my report, I have necessarily had to speak of Collegiate Church matters, but in doing so I disavow any personal bad feelings against any one, for I can truly say, that with all their shortcomings I love them still, but feeling as I do, that I have the consciences of all on my side, I have spoken out like a Dutchman in all plainness of speech, feeling as I do, with many others, that the rights of the Ministers of the Reformed Dutch Church in this city *have been* and are yet *grossly invaded* by the way in which the legacies referred to *have been* and *are still managed*,—and that as Cornelius Steenwyck and John Harpendinck *gave to God* said legacies; (the *proceeds of which are to be ever used* in a certain channel, and *forbidding that* they should be *used for any other purpose or purposes forever*;) and that no lapse of time and no power in Heaven or earth, can alter said dedication, but the original parties, viz, *God himself on the one hand and Cornelius Steenwyck and John Harpendinck on the other*; and that as neither of these parties have spoken out on this subject to this effect; in vain do we hope for a blessing on this ample provision of sustenance for the servants of God who labor in the Reformed Protestant Dutch Church in word and doctrine in this city, while said proceeds are applied to other objects, and God's servants are deprived of the provision made for them by the *pious dead*. Therefore, let me remind one and all present, that as God's plan is to use "the feeble things of this world to *overwhelm the mighty*, and the simple things of this world to *confound the wise*—the names of those ministers who have had moral courage enough to risk their money and present popularity in order to have these momentous concerns alluded to adjusted, will go down to posterity with the gratitude of unborn thousands, whilst the names of those who have perverted said proceeds, will be permitted to sleep in the graves of oblivion.

As to the erection of our Church in 23d-street, I have only to say that I have, in the presence of witnesses, with mine own hand commenced digging the foundation of said edifice, in the name of the true God ; and by his aid, I purpose completing it to his glory, "and if God be for us, who can be against us?" If therefore, the Committee of Classis according to their professions, bring in a friendly report, such as will prove encouraging to me and my Church, we shall feel very thankful ; but should said Committee report adversely, I only say that I have been so accustomed for years past to harsh treatment, that it will not greatly disturb me ; for the Synod's business is to make straight any crooked decisions of lower Judicatories ;—and as I am as well acquainted personally, with the community of the city of New-York as any one in it, I feel no apprehension of the decision of the community at large if I am compelled to publish my Report at length to the public and I am thus compelled to proceed ; as I have been forced to do in years past ; viz. "To build up the walls of our branch of the temple, with the sword in one hand and the trowel in the other.

I am, with all due regard, your

sincere Brother in Christ,

JOHN S. EBAUGH.

The Consistory of the German Reformed Church held at 160 East 23d-street, Nov. 4th, 1850, passed the following Resolution in relation to the foregoing Report and the affairs of this Church in general, viz. :

"Resolved, that in order to furnish the Committee of Classis, consisting of Drs. George H. Fisher and James H. Hardenbergh, and Elders William S. Ross and Judge Ingraham, with as full and satisfactory a report of the affairs of the German Reformed Church in the city of New-York as possible ; the accompanying Report of the affairs of the German Reformed Church from 1837, to the present date, signed by our Pastor, the Rev. John S. Ebaugh, and which, after being read and duly reflected upon ; was unanimously adopted by this Consistory, together with the report again adopted by this Consistory, and signed by the President and Secretary of this Consistory, under the seal of this Incorporation, be forthwith forwarded to the Chairman of the Committee of Classis as the best mode of adjusting the affairs of this Church and as rendering the personal attendance either of our Pastor or the members of this Consistory at the meeting of Classis entirely unnecessary."

The Report of Consistory, viz. :

"The Pastor and Delegate from the German Reformed Church in the city of New-York ; report with much pleasure to the Classis of New-York ; on behalf of the Consistory of this Church, that after a fair and full investigation of the relations and pecuniary matters connected with the Church enterprise in 17th-street, all said matters have been most amicably adjusted between the Pastor and Consistory so as to require no further interference of Classis or its Committee.

The following Resolutions and application to Classis adopted at the same meeting of Consistory were forwarded to the Classis through the before mentioned Committee of Classis, viz.:

Whereas the Consistory of the German Reformed Church in the city of New-York, having used every effort to furnish the Classis through its committee with a full and satisfactory report of the affairs of said Church and their Pastor, and, whereas the voluntary appointment on the part of Classis of a committee to examine into the affairs of this Church forms a perfect precedent in such cases: therefore unanimously resolved, that an application be made by this Consistory to the Classis to appoint a committee of seven members of Classis at its next meeting to examine into the relations subsisting between the Ministers, Elders and Deacons of the Collegiate Protestant Reformed Dutch Church in this city, and to report to this Classis at its next annual meeting on the following subjects, viz.:

First, Whether the annual proceeds of the ministerial legacies of Cornelius Steenwyck and John Harpendinck are applied according to the express and positive injunction of said testators, viz.: to the payment of the salaries of the Ministers of the Reformed Dutch Church in the city of New-York.

Secondly, Whether the Consistory or any former member or members of the Consistory of the Collegiate Reformed Protestant Dutch Church did at any former period solicit of or obtain from any minister or ministers of said Church an instrument of writing signed by said ministers, certifying that said ministers had no claim to any portion of the annual proceeds of the legacies referred to: excepting the amount specified in their respective calls, and whether if such be the fact, such a procedure does not strongly partake of the nature of the fraud practiced by Jacob upon his brother Esau, and also of the nature of Esau selling his birthright, and whether such a transaction is not highly reprehensible in a moral point of view as calculated to embolden said Consistory to pervert said proceeds from the positive design so unequivocally expressed in the said wills or last testaments.

Thirdly, Whether in the nature of the case, when a legacy is left for a specific object clearly expressed in the instrument conveying said legacy, any other save the original parties are authorised to change the channel of its application. For instance: If a recent munificent legacy be made by Mr. McDonough, of New-Orleans, to the American Bible Society of \$25,000 per annum, can any power on earth legally apply it to building of Churches, paying of Missionaries, or to any other object.

Fourthly, Whether from the whole the inference is not irresistible that as in the case alluded to, the parties being Cornelius Steenwyck and John Harpendinck on the one hand,, and God on the other hand: and said bequest being expressly given by the before mentioned parties to God for the specific purpose of providing support for God's ministering servants who labor in word and doctrine in this city, in the

Reformed Protestant Dutch Church it be not a high misdemeanor to apply said proceeds to building of Churches, or any other object not specified in said wills or testaments of Cornelius Steenwyck and John Harpendinck.

L. S.

JOHN S. EBAUGH, *President.*

THEODORE O. EBAUGH, *Sec'ty.*

Nov. 4th, 1850.