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A

TRUE REPORT

OF THE

LAST TRIAL OF REV. J. S. EBAUGH,

IN THE

CLASSIS OF NEW-YORK, DEC. 1852.

TOGETHER WITH AN ACCOUNT OF MATTERS LEADING THERETO.

BY

A MEMBER OF CLASSIS.

James H. Langley  
June 23-1899.

NEW-YORK:

1853.







## AN APOLOGY.

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No person can regret the necessity of this publication more than the compiler. He instinctively recoils from the association in which his title-page would place his name, though it were but ephemeral. He has however learned, that not much is gained by moaning over difficulties. They are placed in our way to be overcome. It is well known, the individual whose Trial is here narrated, has pursued a most extraordinary course, for one laying claim to the character of a clergyman. He has already printed *three* pamphlets for the purpose of bringing the Classis of New-York into disgrace, apparently willing to endure the largest portion himself, provided he may succeed in soiling their garments with the rest. Upon its members he heaps the most unsparing abuse, because they thought it due to themselves and the Christian Community of this City, to investigate a matter, about which painful misgivings have for a long time existed; and this expose no doubt will furnish him a welcome pretext for the issue of another reeking pamphlet.

Beyond a doubt he has obtained advantage from his ability to be, and to do what falls not within the moral agency of ordinary Christian men; and hence it perhaps is natural, that such should judge *hardly* of the Classis of New-York, from the fact that no good man would DARE publish what he has done, unless he could nail it with spikes of truth. To vindicate the Classis from the foulest aspersions, to correct false impressions honestly received, but dishonestly made, and to prevent further ill-formed judgment in the case, the compiler has deemed himself shut up to the ungracious *necessity* of exposing the bad construction of a web, not by handling it, but exhibiting the loom in which it was prepared, together with the weaver adjusting the raw material.

The garbled account he has printed of his last trial by the Classis, containing irrelevant evidence produced by himself, thence ruled out, and *that garbled too*; the impeachment of the honor, the honesty, and Christian principle of a large majority of its faithful members, whom he represents as swayed by the corrupting influence of a mercenary motive; the enormous insults published in his first pamphlet hurled again in their faces, and again put through the press, notwithstanding the *rebuke* of General Synod, leave no alternative but to present the



entire case in faithful transcripts from the records of Classis, with such explanatory remarks as will make the matter intelligible to those who have had no correct previous knowledge of it, but which should in some way be put in their possession, before they can be properly prepared to declare their judgment. An anecdote is told of a Chinese Mandarin, who finding an English sailor in a scuffle with a Chinese, bamboozed the latter, and *then* inquired into the affair ! We were reminded of this, by a member of the last General Synod, who said, if he had understood the case, he would have voted differently. How many more cast their votes under false impressions produced by Mr. Ebaugh's pamphlet, of course, is not known ; but to prevent further mistake as much as possible, it is thought due to all persons concerned, that the following statement should be made. No just censure then can attach to this resort to the press, of which the most unworthy use has been already THRICE made to disparage the Classis of New-York in the eyes of the whole Church.



## A TRUE REPORT, ETC.

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A Church known as "The German Reformed Church of the City of New-York," composed of Lutherans and Calvinists, was early associated with the Classis of New-York of the Reformed Protestant Dutch Church. Unfortunately the spirit of dissension more or less prevailed among them from the beginning. About the year 1823 this Church forsook its denomination, and for *thirteen years or more*, was not represented in the Classis of New-York; but in 1838 a party therein, having obtained sufficient influence, sought connection again with the Classis. It was received: but a fierce contention was kept up between the two parties until 1844, when the Church property was put in the possession of the party adhering to the Classis, by the Chancellor. Then, Rev. J. S. Ebaugh was called as Pastor; but the opposing party continued litigation, and soon after, the decree of the Chancellor was reversed by the Court of Errors. Mr. Ebaugh and his party were declared not to be the Church in question, and being legally dislodged, were ordered to surrender the property, together with the seal of incorporation and books of the Church to the legal owners; since which time said incorporation has remained in another ecclesiastical relation.

Mr. Ebaugh and those adhering to him, without any new ecclesiastical organization, have been, until recently, acknowledged by the Classis of New-York. Since their ejection by the Court of Errors, yearly statistical reports have been made by him to the Classis, setting forth the condition of "The German Reformed Church of the City of New-York." A delegate was usually present, and Mr. Ebaugh generally answered all the "Constitutional questions" proposed at every Spring Session, in the *affirmative*. The Classis continued to feel a great deal of embarrassment respecting his Church, and reports, and answers, from circumstances not necessary now to be mentioned.

At the Spring Session of Classis 1850, the delegate, Mr. Dyson, from this German Reformed Church, answered the "Constitutional questions" in the *negative*; stated that no temporal contract existed between them and Rev. Mr. Ebaugh; and further said that circumstances rendered it necessary for Classis to investigate their affairs. A committee was accordingly appointed to inquire into the state of this Church.

At a special meeting in June following, that committee reported,



among other items, the following: "That the present Consistory (of said Church) did not seem to understand, before this time, the nature of Mr. Ebaugh's call, one of them even not knowing its existence"—(being an *old* call, whose worthlessness was in consequence of the alienation of the seal.) "That Mr. Ebaugh has never reported, nor accounted to his Consistory, for the sums of money raised by him by the subscriptions and donations of various persons towards these Church movements, nor in what way he has disbursed the same, nor in what amount, and that of this subject the Consistory have no knowledge."—"That so far as your committee could ascertain, the ordinary temporalities, administered by the Consistories of other churches, were not brought before the Consistory of the church in 17th street, and that the Consistory do not pass upon such matters at all."

At an extra meeting of Classis, October 15th, 1850, the following curious document was laid upon the table of Classis, in the handwriting of Mr. Ebaugh.

Sept. 1850.

This is to certify that we the Subscribers, being members in full communion with the German Reformed Church in the City of New-York, do hereby ratify the appointment or election of John P. Dieterich as Elder of said Church, in the place of Mr. John Dyson, whose term of office expired on the last Sabbath in Sept. 1850, and the election of John Wallace as Deacon in the place of Thomas Bailey, whose term of office as Deacon expired at the same time: and that Thomas Collins be reappointed to serve as Deacon of said Church, each to serve in said office for two years from the first Sabbath in October, 1850.

Susan Collins,  
Mary Irving,  
Ellenor Irving,  
Sarah Lowe,  
Eliza A. Ebaugh,  
Mary Ann Bailie,

John S. Ebaugh, Prest. of Consistory,  
Thomas Collins,  
John Wallace,  
J. P. Dieterich,  
Thos. Bailie.

This document seemed to contain *primâ facie* evidence, that Mr. Ebaugh had no Church that deserved the name, certainly none answering to his annual statistical descriptions; and that it was a poor expedient to get Mr. Dyson away from the floor of Classis. The consideration of this paper was referred to the Committee on the affairs of that Church, who in due time reported adverse to Mr. Dieterich's claim; and also that "In relation to the German Reformed Church lately worshipping in 17th street, your Committee have been led in the progress of their examination of its affairs, to doubt whether the German Reformed Church has been really and truly perpetuated in that organization."

The Classis still continued the same committee "to investigate the financial affairs of the church, and to inquire whether said church has at present any constitutional existence."

They submitted a report to the Classis in Extra session, Dec. 31st, 1850, which by no means relieved the minds of the brethren.

At the regular fall meeting of Classis, Oct. 21st, 1851, one of the mem-



bers introduced a Preamble and Resolution, setting forth the reasons why the church, hitherto known as Mr. Ebaugh's Church, should be disbanded. This produced much discussion, but was not adopted.

"A Committee, consisting of Revs. T. W. Chambers, W. R. Gordon, and the Elder John Westervelt, was appointed to take into consideration the whole case of the German Reformed Church, to whom certain resolutions respecting the disbanding of that Church, were referred: and said Committee was directed to report on the 18th of Nov. next."

Classis met on the last named date, to receive the report which they had ordered. It was presented, amended, and adopted, and is as follows.

(We omit an Epistolary correspondence found in the beginning, setting forth the way in which Mr. Ebaugh sought to embarrass the Committee.)

"I. As to the Congregation. The building in 17th street, it appears, was sold in or about the month of May, 1850, and Mr. Ebaugh has repeatedly stated before Classis, that after that time, his people worshipped in the Lecture Room of Rev. Mr. Macauley, by whose advice and kind offer, they had fallen in with that congregation. On the book of Minutes (Mr. Ebaugh's) we find the following: 'Unanimously resolved that the members of this church be strongly recommended to unite in worship with the South Dutch Church, cor. 5th Avenue and 21st st., until the new church be so far completed as to be occupied.' There is no date to the record of the meeting at which this resolution was passed, nor is there mention of any of the Consistory being present save the Pastor, but it is noted as having been re-adopted and approved Nov. 4th, 1850. Under this last date, is the record of a meeting for choosing officers, where it is said, 'The aforesaid persons, after their names had been announced on three successive Sabbaths, in the presence of the Ger. Ref. Church (who have for some time past, and do yet worship in the Lecture-room of the South Dutch Church, cor. 5th Avenue and 21st st.) were solemnly ordained to their respective offices, &c.'

"This language corresponds with Mr. Ebaugh's representations. But your Committee find on inquiry, that the proposition to occupy the aforesaid lecture-room came not from Mr. Macauley, but from Mr. Ebaugh himself. Mr. Ebaugh's request was at first made for said occupancy for only three Sabbath afternoons, that he preached on the first one of these to a very few, and that although the Sexton opened the room on the remaining two Sabbaths, nobody came to worship. Subsequently Mr. Ebaugh made a second request to occupy the room for two or three Sabbath evenings, when, to use the Sexton's words, "there were enough present to claim the promise made to two or three." Neither the Pastor, nor the Sexton of the South Dutch Church is aware that any of Mr. Ebaugh's congregation, beyond his own family, worship with their people.

"How far these facts justify the representation on the minutes, and the impression it conveys, the Classis will judge. According to the information we have received, nothing that can be called a congregation of Mr. Ebaugh's, ever worshipped in Mr. Macauley's lecture-room or with his people. The whole intent of this measure seems to have been, to do what the parties supposed would be a perpetuation of the organization of



the Ger. Ref. Church, and after that was accomplished, there was not even an attempt at a religious meeting. Before the sale of the building in 17th street, the Sabbath attendance, we are credibly informed, was very meagre, sometimes indeed not even three persons being present besides the Pastor and the choir; and this total failure, by Mr. Ebaugh's own written account of the matter, was the reason for disposing of the property. Since that time he has had no congregation whatever.

"II. As to the Church. In the Church records, we find a long list of German names. The leaf on which this list is written did not, it is manifest, originally belong to the book in which it is now found. At the head of it is a scrap in German, apparently taken from a newspaper, and signed by Geo. Gausman as chairman, and John Schawb as Secretary. Mr. Ebaugh told Mr. Gordon, that this was the Church Covenant, which the members all signed in their *own* handwriting as the membership of his church. On the next leaf, under the word *covenant*, the English names are also arranged as subscribing to the same thing, but their names are all written in the *same* handwriting, except those of Mr. and Mrs. Ebaugh. From the peculiar character of this document, the Committee deem its origin to have been this: At one stage in the trial about the Forsyth-st. property, it was required of both parties to exhibit numerical strength. Each party, we are informed, collected all the names they could muster, whether communicants or non-communicants, in order to make as strong an exhibit as possible. The paper before us seems to have been the list gotten up on this occasion by Mr. Ebaugh's party. Two of the persons whose names are appended to it, and who recognize their own signature, declare this to be their opinion. In the judgment of your Committee there is no properly authenticated record of German membership in the church.

"In regard to the list itself, there are 120 names which are deemed to be German, and 25 English, in all 145. Your committee determined to obtain access to these persons if possible. Mr. Ebaugh promised to one of the committee, to furnish names and residences, but he has not done it, stating that he had no time. The Committee being left to pursue their own way as best they could, by the Directory, have been able to find only about 15 out of the 150, excepting John P. Dieterich, who is now supposed to be irrecoverably sick, and Geo. Froelig, who is at present an acting member of the Consistory. The 15 persons whom we have seen, *all*, either were never connected with Mr. Ebaugh's enterprise, or have abandoned it at an earlier or later period. They state that according to their knowledge and belief, the persons originally on this list, are widely and hopelessly scattered; many of them are dead, and many of them have moved away; so that they think Mr. Ebaugh could not get five of them together as members of his alleged present church. Yet Mr. Ebaugh reported to Classis 117 members in the year 1847—114 in 1848—130 in 1849—130 in 1850—and 123 in 1851.

"On the English list we find 25 names, 8 of which are males. Of these 25, one has deceased; four have been dismissed; although in regard to two of them, there is no record of that fact, either in the Church Record or on the Minutes of Consistory; and one man and four females could not be found, their names not being in the Directory; while five



persons are known to your committee, as having left the church without certificates, and having no intention to return. So that there remain only three men and their wives, and three other women, constituting the entire English part of the church. If to these we add the three German names, Bourne, Dieterich and Froelig, we have twelve members, of whom five are Elders and Deacons, and the rest are females.

"Your Committee therefore cannot resist the conclusion, that Mr. Ebaugh has really neither church nor congregation, except the Consistory, their families, and two or three females. In support of this conclusion we refer to a paper presented to Classis (see p. 6 of this pamphlet), dated Sept. 1850, signed by five females and four males, one of whom is since dead, testifying to their approval of three of themselves, as members of Consistory. This seems to be a declaration over their own signatures that there is no church beyond the Consistory; although Mr. Ebaugh told Classis, that he had about sixty male members. It appears by the Church record that the Lord's Supper has not been administered since April, 1850.

"In regard to the Edifice in 17th street, it was purchased by Mr. Ebaugh Dec. 6th, 1847, and held by him, as private property until May 1850, during which period, Mr. Ebaugh reports that he collected in aid of the enterprise, the sum of \$3,664 00. At the time specified, the building was transferred into other hands, and there is nothing now to show for this large sum of money. From the settlement between Mr. Ebaugh and his Consistory, it appears that he received by their authority, from the collections made by himself, the sum of \$2,091 66 in part payment of his salary as Pastor from Nov. 1847, to May 1850. [Yet your committee have learned, that Mr. Ebaugh has, within the last nine months, actually entered a prosecution against the Board of Trustees of the German Ref. Church, Forsyth street, for salary from the time of his leaving Forsyth street, up to the time of the commencement of this action, and that the chairman of said Board staved off the process only by making affidavit that Mr. Ebaugh never was the minister of that church.]

"In conclusion, the Committee recommend the adoption of the following resolutions:

"I. Resolved, that this Classis do now institute proceedings against Rev. John S. Ebaugh, on the following grounds:

"1st. Contumacy in his repeatedly refusing to obey the citations of your Committee.

"2d. Habitual misrepresentation in the matter of the statistics of his church.

"(3d. Another charge not here printed, because abandoned.)\*

\*That portion of the report inclosed in brackets was the foundation of a third charge founded upon it, which was *withdrawn* before Mr. Ebaugh's trial, because incorrect. The Committee, unable to find the numerous persons reported by Mr. E. as members of his church, repaired to the Pastor of the German Ref Church in Forsyth street to search his books, to see whether said membership belonged there, but no such list was found. The information of Mr. Ebaugh's lawsuit against said Church was volunteered to the Committee, by the Pastor, and subsequently ratified by the statement of the President of their Board of Trustees, and the committee was assured there was *no mistake*, because Mr. E. claimed to be, as they thought, the legitimate and rightful Pastor of the German Ref. Church. But it



"II. Resolved, That the Consistory of the German Ref. Church in 17th street be required to appear before Classis, to account for the fraudulent statistical reports made to this body.

All of which is respectfully submitted,

T. W. CHAMBERS,  
W. R. GORDON,  
JOHN WESTERVELT, } Committee."

This Report was unanimously adopted. *On the next day after*, Mr. Ebaugh entered a *suit in the Supreme Court* of this State, against the *clerical* members of the committee, and others; the notification of which came in this form.

## SUPREME COURT.

John S. Ebaugh, <i>against</i>	}	<i>Summons.</i>
Talbot W. Chambers, Thomas DeWitt,		
William R. Gordon, James B. Hardenburgh,		
John Knox, and Thomas E. Vermilye.		

*To the Defendants.*

YOU ARE HEREBY SUMMONED, and required to answer the complaint in this action, which will be filed in the office of the Clerk of the city and county of New-York, in the city of New-York—and to serve a copy of your answer to the said complaint on the subscriber, at his office, No. 44 Wall-street, in the city of New York, within twenty days after the service of this summons on you, exclusive of the day of such service; and if you fail to answer the said complaint within the time aforesaid, the *plaintiff* in this action will apply to the Court for the relief demanded in the complaint.

*Dated November 19th, 1851.*

H. M. RUGGLES, *Plaintiff's Attorney.*

Mr. Ebaugh took all the time he could get by law, to concoct his complaint; finally it came, and is as follows:—

was discovered after the report was made, that the Consistory and Board of Trustees of said church were themselves mistaken as to the *ground* of Mr. Ebaugh's prosecution, which was the payment of a Bond executed to him, by his own Trustees, when said property was in their possession; and just before it was transferred to the hands of other Trustees, the latter thus made responsible for this obligation of their predecessors in office. Mr. E. explained this to Classis, and the Committee having satisfied themselves that the Germans had mistaken the ground of the suit, at their own suggestion this part was withdrawn, and never mentioned during the progress of the trial. Had Mr. E. treated the committee properly, the nature of his suit, then mistaken by the Germans, might have been explained, and the matter would not have been noticed.



## SUPREME COURT, CITY AND COUNTY OF NEW-YORK.

John S. Ebaugh,	}
<i>against</i>	
Talbot W. Chambers, Thomas De Witt,	}
William R. Gordon, James B. Hardenburgh,	
John Knox, and Thomas E. Vermilye.	

The complaint of the Plaintiff respectfully shows to the court, that he is a clergyman of the Reformed Protestant Dutch Church; and for a long time has been, and now is, a pastor of a church of that denomination of Christians, in the city of New-York, known as the "German Reformed Church in the city of New-York." That the defendants knowing the premises, and contriving, and falsely and fraudulently intending to injure the plaintiff in his credit and reputation, and in his profession and business, and to cause it to be suspected and believed that he had been guilty of the misconduct and immorality hereafter mentioned, to have been charged upon and imputed to him by the defendants, and to vex, harass, oppress, impoverish, and wholly ruin the plaintiff, and to cause him to be dismissed from the situation of pastor of said church, and prevent his employment as pastor by any other church in said city, or elsewhere, on or about the 18th day of November, 1851, at the city of New-York, composed and published, and caused to be composed and published, a certain false, scandalous, malicious, and defamatory libel of and concerning the plaintiff; and of and concerning him in respect to his profession and business, containing among other things the false, scandalous, defamatory, and libellous matter following, to wit: "In conclusion, &c." (quoting thence, to the end of the committee's report.) By means of which said premises, the plaintiff hath been and is greatly injured and prejudiced in his credit and reputation, and brought into public scandal and disgrace, and is suspected to have been guilty of the misconduct and immorality so charged upon and imputed to him, and to have acted improperly and immorally in his profession and business, and has been greatly vexed, harassed, oppressed, and impoverished, hath been and is otherwise greatly injured thereby, and by reason thereof hath sustained damage to the amount of five thousand dollars.

Wherefore the plaintiff demands judgment against the defendants for the sum of five thousand dollars besides the costs of this action.

H. M. RUGGLES, *Plaintiff's Attorney.*

This complaint, to which plaintiff took good care not to swear, as is usually the case in such suits, was received Jan. 5th, 1852, and was ably answered by I. S. Woodward, Defendant's Attorney. Mr. Ebaugh replied, and the cause was prepared for the calendar. But notwithstanding the long list of iniquities detailed against the defendants, who are represented as conjointly guilty in plotting the ruin of the plaintiff, the said plain-



tiff, six months after, WITHDREW his suit from the majority of the wicked defendants, or at least from the half of the number!! This is the evidence:

## SUPREME COURT.

John S. Ebaugh <i>against</i> T. W. Chambers & others.	}
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1852, June 6. Plaintiff paid costs of defendants De Witt, Knox, and Vermilye, and received consent of defendants' attorney to discontinue against defendants. KNOX & MASON, *Attorneys for Def'ts.*  
 DE WITT, KNOX, ETC.

The suit is now continued against Messrs. Chambers and Gordon.

Mr. Ebaugh was tried on the aforesaid charges, and notwithstanding his violent behavior and abuse, the Classis managed to get through the most extraordinary case that ever happened in our church. The evidence sustained the report most conclusively, as to the nature of Mr. Ebaugh's list of church membership.

Mr. *Rudolph Aeby*, formerly a member of the Forsyth-st. Church, in full communion, but annually reported as a member of Mr. Ebaugh's church, testified that "This list" (referring to the one mentioned in the report) "was got up by Rev. J. Rudy, to present before the Vice Chancellor, to exhibit the strength of the German Reformed party."—"We got these signatures irrespective of membership. All well-wishers to the German Reformed Church signed the paper."—"This list was got up as a test of strength, to make a fair show."

Mr. *John Schwab*—who was secretary of the meeting at which this list was got up, testified that "he considered the persons on this list as members in full communion, but has no knowledge that they are all so."—"I signed the document for the purpose of keeping the church and property."—"The paper was signed, I dare say, by some who were not members of the church. There is no other list of members of the church besides this, to my knowledge."—"The book was kept open for signatures and additional names to the document from time to time. I do not recollect when I joined the church by signing the book, and paying a certain sum quarterly. I was a full communicant in Switzerland, and joined upon that profession here. I never presented a certificate, nor made a confession of faith. I never communed in Forsyth-st. church."—"Mr. Ebaugh had no evidence except my word that I was a member of a church in Switzerland."—"I am a member, and a deacon, in Mr. Ebaugh's church."

Mr. *William Born* testified,—“I was present when the list of members contained in the church records was made up in Forsyth-street. The list originated in a desire to ascertain how many members were true to our cause, that is, the German Reformed



against the Lutherans. Rev. Mr. Rudy, Messrs. Schwab, Aeby, Gausman, Peter Wentzell, were active in getting it up. Rev. Mr. Rudy was present when this list was presented. Every man who paid a certain amount towards the church was considered a church member, and had a right to commune. I was in the church when the German Reformed Classis of Philadelphia met, over which Mr. Rudy presided."——"I was not in the Consistory when this book was prepared, and know not who handed it to the Consistory, (or) suggested the idea of getting up this list. Rev. Mr. Rudy and the officers of the church procured some names in the church, and then handed the paper to the sexton, to call upon others, some of whom signed, and others did not. Some would not sign on account of money, having to pay the costs should we lose the trial. Some of these were members, as good as any other, as long as they paid their money. I know we had no other list of members—I never saw any other."——"This list was adopted as the regular list of church members during Mr. Rudy's temporary supply of the pulpit, very shortly after the signatures had been obtained."——"I was a deacon part of the time."——"I became a member of the Forsyth-st. Church by signing a dollar a year upon the Sexton's book. I presented no certificate, and made no profession of faith."

These extracts are faithfully made, to verify the report of the aforesaid Committee, for the bringing in of which, Mr. Ebaugh sued them.

They show that Mr. Ebaugh has no ground for his absurd cry of "persecution," for he has, from year to year, palmed off upon the Classis of New-York, an annual report of a veritable membership of the "German Reformed Church of the City of New York," from a list of names on a paper, inserted in a book of scrap minutes of very recent date, with whose character it is preposterous to suppose him unacquainted, for he has been connected with this concern for the last fifteen years. And because these fraudulent statistics have been exposed, and the Classis have taken means to correct him, and to prevent further mischief from this source, he is therefore a persecuted man!

In order to make this appear, he has collected the very exceptionable papers he presented to Classis in his attempted defence, into a PAMPHLET; *turning away attention* from the true matter at issue, and endeavoring to show by a mass of irrevelant matter, that the Classis of New-York is a set of conspirators under the dictation of the Collegiate church, and at their instance, have hunted him, as he says, "like blood-hounds," (*Fox-hounds?*) simply because HE has brought said church to answer for the mal-appropriation of the Collegiate fund: whereas another individual is the Relator in the case alluded to, who has always been, and now is on amicable terms with the members of the Collegiate Church incorporation, and who affirms said suit to be an *amicable* one, whose end is to determine a simple historical question in the outset, upon which the merits of the whole case depends. Yet Mr. Ebaugh has the temerity thus to appeal, (p. 15,) "Heaven knows, that if I had taken no part in making efforts to have the Ministerial Legacies adjusted, neither the Classis nor the Synod would ever have heard a single accusation brought up against me, but I might have been left like other ministers in this connection, to trudge along in the arduous labors (?) in connection with my church, unmolested by any of them."



We may here note while passing, that Mr. Ebaugh in getting up this hoax, unwittingly lets out the secret, why he clings to that worse than a nonentity he calls a church. As such it has indeed hitherto been acknowledged by the Classis, crediting from year to year, his representations of its membership, and easily put off in their inquiries with his declarations on its floor. And surely it would be very foolish in him now to give up "a forlorn hope," which might turn out not to be very forlorn after all; for the distribution of said Ministerial Legacies, would enable him to put in a claim for \$3000 a year for the past *eight* years. Leaving out the profanity, his own language may be thus amended: "If I had taken no part in making efforts to have said Ministerial Legacies adjusted, *so as to get some \$20,000 for myself*, neither the Classis nor the Synod would ever have heard a single accusation brought up against me, for there would have been no motive to trudge along in the arduous labors in connection with my church, whose existence was terminated in 1846 by the Court of Errors."

That it then died by the hands of the Executioner, will be proved directly. And that the Committee were right in reporting, that the Ecclesiastical organization they were sent to look after, had no existence at all, IS ACKNOWLEDGED by Mr. Ebaugh himself, though he did not intend it, in a *second* pamphlet he published for the enlightenment of Particular Synod met in New-York, in extra Session. On pp. 24, 25, there is a "CERTIFICATE OF INCORPORATION" taken out DE NOVO, and signed by Mr. Ebaugh and six others, and dated "this twenty-third day of September, one thousand eight hundred and forty-seven." *This* incorporation is unknown to the Classis of New-York; they were never informed of it before. They did not send their committee to look after it, but to investigate the circumstances of the "German Reformed Church in the City of New-York," the church reported on their minutes as the perpetuation of the ecclesiastical body in Forsyth-street. They did not find it. They reported there was no such church. And this new act of incorporation, *proves* that they were right. If this incorporation had been a *perpetuation* of the Church in Forsyth-street, the certificate would have been a "certificate of *renewal*," and not of *origination*, as it is published. This incorporation is not on the minutes of Classis, was never recognized by Classis, and proves that the "German Reformed Church," to which Mr. Ebaugh was called in 1844, in connection with the Classis of New-York, is now and has been for the last eight years, DEFUNCT.

These two pamphlets contain many things meriting reprehension. The first especially is a tissue of misrepresentations founded on scraps of truth so managed as to give a show of consistency to the whole. Thus, on p. 12, in retailing the charges brought against him as aforesaid, Mr. Ebaugh specifies in italics, the second one thus: "Giving in Annual Reports to Classis of more members in communion with the German Reformed Church in the City of New-York, than some think can be found residing in the bounds of said Congregation."

Now this was not the charge at all, as may be seen by his own complaint in the civil suit. The charge is this: "*Habitual misrepresentation in the matter of the statistics of his Church.*" Why such a perversion was made is easily seen. The former addressed to the *Eye* in his



pamphlet, would supplant the latter addressed to the *Ear*, being heard perhaps but *once* read from the classical book of minutes, and thus lead the minds of the members of Synod into a false estimate of the real charge.

Again, on p. 22 of the first pamphlet, and on p. 27 of the second, Mr. Ebaugh publishes what the reader would suppose to be an *entire* report of a committee, of which Dr. Fisher was chairman, adopted by the Classis at Yonkers, Dec. 31st, 1851, to prove that Classis acknowledged that there had been a regular succession of "Elders and Deacons in said Church, sufficient to continue whatever organization it had when received." But he quotes only the *first* paragraph of said report. The rest is as follows:

"The Committee further report, as to the financial affairs of the said Church, that on examination they find that the supposed settlement with the Consistory of that Church, was made with individuals who were not duly elected by the then existing Consistory. That Mr. Dieterich as Elder, and Mr. Wallace as Deacon, were ordained without having been duly elected, and of course are not entitled to be recognized as such.

"Under these circumstances, your Committee deem it premature to examine into the financial concerns of that Church until such settlement has been made with the Consistory. They offer the following resolutions, viz. :

"Resolved, That the ordinations of Elders and Deacons in the German Reformed Church on the 5th Oct., and 4th Nov., 1850, were invalid, because no legal election had taken place before such ordination." (There are two other resolutions.) Now if Mr. Ebaugh had published this, it would have thrown suspicion upon the alleged fact of a regularly perpetuated succession. It was therefore deemed best to present a part of the report, so as to look like the whole of it.

Other matters might be mentioned, where truths and facts in this pamphlet are so riven out of their proper connection, as to subserve the general purpose of diverting the mind from the real points at issue; and to give them hue and color, to countenance statements and deductions, which are unworthy of reliance. The specimens given are quite sufficient to stamp these publications with the euphonious title, "Fiction founded on Fact," and yet it may be, the author deems them worthy of all credit, and has worked himself up to the belief that they are as true, as—the existence of the "German Reformed Church of the City of New-York."

That this Church, has no existence either in *law* or in *fact*, we further prove by the very able report prepared by a Committee consisting of Dr. Fisher, Dr. Hardenburgh, Judge Ingraham and Mr. Ross. (See Appendix.)

The decision of this novel case by the Classis of New-York, was sustained by Particular Synod. It was however reversed by General Synod, understood to be on account of some adjudged informality in conducting the case. The Classis however meant to act strictly within constitutional provisions. This case could not have come up under "*fama clamosa*," because it was not understood, before the revelations of the report of the Committee of Classis were made. It involved a crime



*in* the Classis, not one *out* of it. Neither could it have been presented by individual accusation by the Committee, because they were acting by order of Classis. The peculiarities of this case were such, that it evidently could not have been anticipated by any ecclesiastical legislation; therefore the Classis acted in the premises, in the only way they could act, and that was to request or appoint two of its members to assume the attitude of Prosecutors to conduct it. If this were deemed wrong by the Synod, surely it would seem that they should have sent the case back to the Classis, with *instructions* how to conduct it. This was attempted, but it did not succeed. Thus Mr. Ebaugh was restored to good and regular standing.

But there was yet another matter to be met. When Mr. Gordon was prosecuted by Mr. Ebaugh for the course he was compelled to take in serving on the aforesaid Committee, he advertised the Classis of the fact; and also declared at the same time his intention to call upon Mr. Ebaugh to answer for this new crime, in due time. That time had now come, and as soon as the arrangement could be made without indecent haste, the following paper was laid before Classis.

*To the Rev. Classis of New-York.*

DEAR BRETHREN:—The undersigned hereby complains of the Rev. J. S. Ebaugh, a Minister in connection with your body, and with himself subordinate to your jurisdiction, for the following misdemeanors; and respectfully asks that he may be brought to answer for the same.

I. MALICIOUS PROSECUTION:—The undersigned specifies the facts in the case to be as follows. On or about October 21st, 1851, contrary to his desire and against his remonstrance, the Classis appointed him a member of a Committee of inquiry relative to Mr. Ebaugh's Church. His reluctance to serve on said Committee is well known, and strongly set forth by Mr. Ebaugh in a vituperative pamphlet published by him, p. 11, in these words: "I don't wonder that brother Gordon manifested such anxiety to be released from said Committee, &c." In obedience to Classis, he honestly and dispassionately entered upon the investigation, and bore his part in the preparation and presentation of a report, as in duty bound to do. This report was unanimously adopted by Classis on November 18th, 1851; and on the following day, as it appears by the date of his summons, herewith presented (see p. 10), Mr. Ebaugh prosecuted him in the Supreme Court of this State, laying damages at \$5000. As this was done prior to the commencement of Mr. Ebaugh's trial before your body, the issue of which he could not foreknow, the undersigned, able to prove himself free from bad motive, and so virtually acknowledged by Mr. Ebaugh as aforesaid, believes this prosecution, now on the Calendar of said court as No. 1324, to be a *malicious retaliation* for the part he took in a duty imposed upon him by your body, and an unrighteous attempt to obtain *money* from him. This is further proved by violent and threatening language in Mr. Ebaugh's "answer" to said report, subsequently published in the pamphlet aforesaid, styled "a Vindication and defence of the German Reformed Church," of which he is the author, to wit page 12, "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."

II. MISREPRESENTATION AND FALSE ALLEGATIONS, as the ground of the aforesaid civil action, embodied in the complaint referred to in his Summons, a true copy of which is herewith presented as documentary proof. (See p. 11.)

III. LIBELLOUS AFFIRMATIONS, made and published respecting him in a pamphlet styled "A Vindication and Specification."

1st. On page 11 there is this false affirmation: "No wonder that he and his colleague (meaning Mr. G.), in this inquisitorial visitation, met with rebuffs from the members of my church sufficient to crimson the cheeks of any man whose conscience is not seared with a red-hot iron."

2d. Impeaching his integrity as a judge disqualified by corrupt motive to sit in his case, on the false ground of being under "pecuniary obligation or otherwise, to the Collegiate Dutch Church and its pastors." (p. 1, Appendix.)

3d. His fifth reason of appeal to particular Synod, being a falsehood, to wit: "Said Committee without any instructions of Classis, inquisitorially passed from house to house among the members of said church and others, and thus *raked up slanders* against me." Repeated on fifth page following. The Committee "went from house to house, through my Church, and gathered up falsehoods and slanders against me."

4th. On the same page—"Hence the motion was in the act of being made by the Rev. Mr. Gordon, in the meeting, which was held on Monday, Feb. 9th, to make arrangements for holding a day of prayer for Colleges, on the last Thursday of February; to also set apart a day for special prayer for this very Collegiate Church, that God might be moved of his mercy and clemency, to awaken said Church to a better sense of its duty to God, and the churches, and the community around it."

5th. On page 17th following—Unchristian and corrupt motives are assigned for this complainant's vote in the case of Mr. Ebaugh and a falsehood printed in italics, to wit: "*with, and for whom he was doing such royal battle against me.*" All of which misrepresentations and false allegations printed and industriously circulated by Mr. Ebaugh, form a good and sufficient ground for a libel suit against him.

IV. GROSS DEFAMATION OF CHARACTER, *published* to the personal injury of many of the members of this Classis; and imputation of corruption in connection with their votes in his case, in said pamphlet, in language and spirit incompatible with Christianity, and constituting, as the undersigned believes, a forfeiture of Mr. Ebaugh's standing as a member of your body. Proof, the whole of the aforesaid pamphlet.

Signed,

W. R. GORDON.

New-York, Oct. 15th, 1852.

New-York, Nov. 3d, 1852.

Classis met, and after the usual preliminaries, "the Stated Clerk reported, that the Rev. Mr. Ebaugh had been duly cited to appear before Classis this day, and put in his answer to the accusation preferred against him, a copy of which had been furnished him at the same time in accordance with the requirement of the Constitution."



"Rev. Mr. Ebaugh appeared before Classis, and the accusation having been read to him, he put in as his answer, a paper purporting to be a protest against the proceedings of Classis in his case. Whereupon the following resolution was proposed and adopted:

"Resolved, That the Rev. Mr. Ebaugh now receive the EMPHATIC CENSURE of this body, for the presentation of an irrelevant and unjust paper to this Classis; and that he be now required to put in his answer to the complaint of the Rev. Mr. Gordon.

"Carried unanimously.

"Rev. Mr. Ebaugh was again called upon for his answer, and he replied that he was not ready.

"Resolved, That when this Classis adjourn, they adjourn to meet next Monday morning at 10 o'clock, and that Mr. Ebaugh be directed then to put in his answer."

*New-York, Nov. 8th, 1852.*

Classis met, and after the usual preliminary business, "Rev. J. S. Ebaugh appeared before Classis, and the accusation having been read, he replied that *he was not guilty for the reasons* contained in the following document:

*To the Classis of New-York.*

*New-York, Nov. 6th, 1852.*

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



bers, who may be considered as uncommitted as to those matters now before Classis.\*

But I would greatly prefer, on the score of propriety and justice, to be set off to the South Classis of New-York, and then let this case be fairly adjudicated by said Classis as a court of collateral jurisdiction as affording ample satisfaction to all parties concerned; and as the Particular Synod is to meet on the last Wednesday of November, 1852, I hope the brethren will not insist on forcing this action on precipitately, but be willing to abide the advice and decision of said Synod, in relation to the matters already referred to said Synod by complaint and appeals from the decisions of said Classis of New-York, between said Classis and myself for adjudication, as much the surest and most correct course of procedure in the premises. For in justice to myself, I cannot collect and arrange all the evidence I shall have to adduce on this trial in a less space of time than thirty days from November 8th, 1852; and hence, while *I plead not guilty of the charges alleged against me in the bill of complaint, tabled against me by Rev. William R. Gordon, October 19th, 1852*, I must insist on at least thirty days time for arranging my evidence for trial of this to me all-important case.†

Classis allowed the time asked.

### TRIAL.

Classis met Dec. 13th, 1852, for the trial of this case. After preliminaries, it was

“Resolved, *That no irrelevant testimony introduced to the points at issue in this case, shall be made a matter of record.*

“The President announced to Classis that they were about to proceed to the investigation of judicial business, &c.

“The complaint was first read, and then the answer, after which the following *testimony* was given in the case:

Rev. Dr. MARSELUS *called by Mr. Gordon, and affirmed.*

Recollects how Mr. Gordon was put on Mr. Chambers' Committee, by looking at the minutes. Knows that Mr. Gordon was President of Classis at the time, and was made a member of it by motion. Converses with Mr. Gordon on the subject. Remember hearing Mr. Gordon say, he was determined to see if a church could be found, and if he did find one, would be glad to report its existence.

### Cross-examined.

Had you in your possession evidence to show the complete organization of the G. R. Ch., down to Dec. 31, 1850? A. I had in my pos-

\* There are not a dozen other members including ministers without charge, available to us: e. g., we could not get the Scudders from India, nor Mr. Knox from St. Thomas. This proffer of Mr. E. is for effect elsewhere.

† An inspection of the “evidence collected and arranged,” will no doubt prove him to have been very laborious; and we may add, sincere in this assurance!



session the report of the committee on that subject, recorded in the minutes, p. 369, vol. vii.

*In Chief.*—Witness was shown the pamphlet, styled “A Vindication,” &c., and said, I have seen it before—Mr. Ebaugh is the reputed author—received from Mr. Ebaugh a copy.

(Signed)

N. I. MARSELUS.

Rev. E. S. PORTER, *called by Mr. Gordon, affirmed.*

Was President of Particular Synod at Newark. Was shown the pamphlet, styled “A Vindication,” &c. Saw a copy of it at Newark. It was circulated there by Mr. Ebaugh. Understood Mr. Ebaugh to issue it as a statement of his case.

*Cross-examined.*

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

(Signed)

E. S. PORTER.

RICHARD BRINKERHOFF, *called by Mr. Gordon, affirmed.*

Witness was shown the pamphlet, styled “A Vindication,” &c. I received a copy from Mr. Ebaugh in my store.

*Cross-examined.*

Asked Mr. E. for a copy or two for Mr. Van Dalsem, and receive them.

(Signed)

RICHARD BRINKERHOFF.

Rev. T. W. CHAMBERS, *called by Mr. Gordon, affirmed.*

Q. Were you, or not, the author of a certain preamble and resolution relative to the German Ref. Church? A. Yes. Q. Did you apprise any person of your intention to bring in that document previous to the Session of Classis? A. Not a soul. Q. Was there a committee originated to which this document was referred? A. Yes. Q. Did any one suggest to you the propriety of bringing in that document? A. Nobody. Q. Who was then President of Classis? A. You, Mr. Gordon. Q. How came the president to be a member of that committee?



A. I am not sure of the precise form, but know it was against his expressed will. He said, "it was a trick." I took the advantage, I think, of his temporary absence from the chair, to have him appointed. Q. Who was chairman of this committee? A. I was, against my will; had to serve, as having introduced the original resolution. Q. What did the committee understand to be the object of their appointment? A. To ascertain if there was a church under the pastoral care of the Rev. Mr. Ebaugh. Q. What course did the committee take to ascertain this? (Objected to by the defendant.) A. We tried to get from Mr. Ebaugh his book of minutes, and a list of his members with their address. Q. What further did they do? A. Mr. E. failed to furnish us the list. We then sought, by the aid of the Directory, to find every person whose name was written in the list on the minutes. Q. How many did we find? A. Out of 150 on the list, we did not find more than a dozen, I suppose. Q. In our interviews with the members of the church, who introduced the business of the committee? A. I did. Q. Can you state, or can you not, what were the questions proposed by yourself in our interviews with the members? A. To learn whether they were really members of this church. Whether they worshipped, and communed with it, &c. Q. Did the persons whom we visited treat us respectfully? A. Yes, they all did. Q. Did they answer kindly and fairly? A. I think they did. Q. Did yourself and Mr. Gordon go to any other person or persons, besides the reputed members of Mr. Ebaugh's Church? A. The only other person, was Mr. Busché, pastor of the original German Ref. Ch., in Forsyth-street. Q. What was our object in visiting Mr. Busché? A. To see if the list in Mr. Ebaugh's book was the same as in his book. Q. Did we find any names there? A. He showed us all his books, but I forget whether any one of these names were found in them. Q. Did we satisfy ourselves, or not, from Mr. Busché's books, whether the present list of Mr. Ebaugh's reputed members belonged to *his* present Church or not? A. We did, in regard to a number. Some, Mr. B. said, were dead, and others had never gone off with Mr. Ebaugh's party. Q. Did Mr. Busché volunteer any statement of which we were previously ignorant? A. He did. Q. What was it? A. He stated, that Mr. Ebaugh was prosecuting a claim upon the church, of which he, Mr. Busché was pastor, for services rendered to it, during the time that we understood that Mr. Ebaugh was serving his church in 17th-street. (Question and answer objected to.)

Q. Was you at the meeting held in February last, to make arrangements for holding a day of prayer for colleges? A. Yes. Q. Did Mr. Gordon introduce a resolution mentioned in his pamphlet on page 5th? A. Not that I recollect of. Q. Have you any recollection of my attempting to do it? A. No, sir. Q. Would you have recollected it, had such a strange resolution been introduced? A. It is likely I would, as I got up that meeting, and therefore took an interest in it.

\* See Complaint, p. 17.



*Cross-examined.*

Q. Had you not, at the time you received this information of Mr. Busché, our book of secular minutes? A. I believe we had. Q. Did you make a statement in your report of the settlement between me and the Consistory of the 17th-st. Church, as ordered by Classis? A. I think we did, but the report will show. Q. How did you get the list of members of the German Ref. Church? A. We got the names from the book of minutes of the German Ref. Church, and the residences from the Directory. Q. From whom did you receive these books of minutes? ANS. From Mr. Ebaugh. Q. By Mr. Gordon. What was the character of the book of minutes furnished the committee? ANS. One blended spiritual and secular things in the minutes, the other was a register having loose minutes. Q. By Mr. Ebaugh. What did these scrap minutes contain? ANS. I do not distinctly remember, but they were very informal. Q. Did you read the title of that second book? ANS. I did. Q. Do you recollect the purport of the title? ANS. So far as I remember it was a list of members. Q. Do you recollect the title of the first book? ANS. No.

(Signed)

TALBOT W. CHAMBERS.\*

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

*New-York, Dec. 7, 1852.*

JOHN S. EBAUGH.

The Complainant rested.

Mr. Ebaugh here proposed to call Dr. Krebs and Dr. Van Zandt, by whom he proposed to prove, that Rev. Mr. Gordon had admitted the statements contained in the pamphlet were true. Plaintiff objected to the introduction of such evidence, because *irrelevant to the points at issue*. Defendant insisted. Knowing the import of said evidence, plaintiff said he would agree to its admission, provided the defendant would agree to its being ruled out, should the Classis deem it irrelevant. To this the defendant *agreed*, and

Dr. PETER VAN ZANDT *was called by Mr. Ebaugh, and affirmed.*

Q. Did you attend the meeting of General Synod in June last? ANS. Yes. Q. Had you, or not, a conversation with a minister of the Gospel, during the sessions of the Synod, on the subject of the pamphlet, "A Vindication," &c., and with whom? ANS. With a number, and with Dr. Krebs. Q. What was the nature of that conversation? (Omitted until Dr. Krebs had given his testimony.)

\* Documentary evidence adduced, accompanied complaint.



*Cross-examined.*

Q. What has your evidence to do with the case in hand? *Ans.* That you will have to judge of. Q. What conversation is referred to by you? *Ans.* In reference to this pamphlet. Q. Where was it held? *Ans.* In the church at Williamsburgh.

(Signed)

PETER VAN ZANDT.

*Rev. Dr. KREBS called by Mr. Ebaugh, affirmed.*

Q. Had you a conversation on the subject of this pamphlet, during the sessions of General Synod, at Williamsburgh, and with whom? *Ans.* A very brief one, either with Rev. Mr. Gordon, or Dr. Van Zandt, or both, as both were sitting near together. Q. What was the subject of the remarks then made? *Ans.* I think Mr. Ebaugh was then making his defence—at least, it was during his trial. I remarked, I think, to Dr. Van Zandt, speaking across Mr. Gordon, or to Mr. Gordon himself, though I rather think to the former, during some occasional remarks respecting the trial generally, that I thought Mr. Ebaugh had spoken in his pamphlet with excessive severity of the Collegiate Ministers, as I had characterized it before in conversation with other persons. After that remark had dropped from my lips, Mr. Gordon turned to me and said, as nearly as I can recollect the words, “and the worst of it is, it is all true.” Other conversation followed which I do not recollect.

*Cross-examined—by Mr. GORDON.*

Q. In what position did we sit—on the same bench? *A.* I cannot tell precisely. I sat next the wall, in the pew, either with or behind Mr. Gordon. Mr. Gordon sat nearer to the aisle than I. I think in a careless, easy position. Don't know how long the pews are or how many they will hold. I think Mr. Gordon was in the pew before me, but cannot say certainly. Q. Was this a broken conversation? *A.* Yes. I cannot swear positively that Mr. Gordon's remark did not refer to the whole pamphlet, and not to the Collegiate Ministers. I referred to whatever was written in the book, but mainly to its severity in regard to the Collegiate Church. I made the remark in a subdued tone. Q. Was it not possible for me to misunderstand your remark? *A.* No, not from the distance at which you were. Q. Who began this conversation? *A.* I cannot tell, we were all talking together. By Dr. Dewitt,—Did Mr. Gordon's remark immediately follow yours, that the pamphlet showed excessive severity toward the Collegiate Ministers? *Yes.* By Dr. Van Pelt,—When Mr. Gordon said “That is not the worst, &c.,” do you remember making any reply? *None that I can recall.* By Mr. Gordon,—Did you communicate this remark to Mr. Ebaugh? *I have no recol-*



lection of doing so.\* Q. Was any one else near enough to overhear the conversation? A. I think not. †

(Signed)

JOHN M. KREBS.

Dr. VAN ZANDT,—recalled.

Q. What was the subject of this conversation? A. Dr. Krebs was sitting on the north side of the Church, next the wall, and Mr. Gordon in front of him, and sometimes a little to the right of him. I was sitting an arm's length from Dr. Krebs in the same pew. All at once, Mr. Gordon turned around and said, "What's more, it is all true"—This remark I presume was in reply to some remark of Dr. Krebs, which I did not hear. Q. Have you had conversation with Mr. Gordon on the pamphlet? A. Yes. Q. Did he ever deny the statements made in it? A. I don't know that he ever did, or had occasion to do so.

*Cross-examined.*

Q. What was my position? A. You were in the pew before Dr. Krebs alternating your position, sometimes in front of Dr. Krebs, and sometimes on the right? Q. Can you tell the precise position I occupied at the time I made the remark? A. You sat a little to the right of Dr. Krebs. †

(Signed)

PETER VAN ZANDT.

At this stage of the business, Mr. Ebaugh pulled out of his pocket a *previously prepared paper*, absurdly enough demanding a nonsuit! "because his pamphlet had been proved true by the endorsement of the plaintiff." On the other hand, the Plaintiff insisted that the evidence of the last two witnesses should be ruled out, because it had no relevancy to any point in the case, and because of Defendant's agreement to that effect. Several said it was all irrelevant; yet Mr. Ebaugh had the hardihood to *deny* that he had made any such agreement.

Classis adjourned.

\*Dr. Van Zandt also said, he had not told Mr. E. or had no recollection of doing so.

† [The notes of Mr. Ebaugh's Clerk, and of Mr. Gordon, differ somewhat from those of the Clerk of Classis, respecting the cross-examination of this witness. It is accounted for in this way. Dr. Krebs had no interest in remembering this conversation, and as he said, it had nearly all escaped from his recollection; the same is true of Dr. Van Zandt, both of whom had to exchange views, before they could recall any thing, and they strictly agree only in the phrase "it's all true," the one misjudging, as it appears, the reference of the remark, and the other not hearing its connection. This is easily accounted for; and compatible with the fact of their giving honorable, honest and perfectly reliable testimony so far as their recollection served them. Loss of accurate remembrance, caused Dr. Krebs to explain by circumlocution. Hence the notes vary. He further testified, that "we sat some three or four feet apart—that the conversation was a broken and not a continuous one, consisting of interjected remarks, and replies in a low, subdued tone—that no one was near enough to overhear the conversation."]

‡ [The same necessity of resort to circumlocution, indicative of loss of memory, has also occasioned discrepancy on the part of those taking notes, which however never can impair the integrity of any witness.]



Classis met pursuant to adjournment, December 13th, 1852. After the usual preliminaries, a motion was made by the Plaintiff *for the ruling out of the evidence of the last two witnesses*, according to the rule adopted by Classis in the beginning of the trial, and also on the ground of the Defendant's express agreement. This caused a lengthened debate. Finally the Defendant insisted that the Plaintiff should be called to the stand as *his* witness! The Classis gratified him.

W. R. GORDON,—*called by Mr. Ebaugh, affirmed.*

I was present at Session of General Synod at Williamsburgh in June 1852. Met Dr. Van Zandt and Dr. Krebs there—found them in one pew, and I took the next pew in front, and sat by the door, Dr. Krebs sitting in end towards the wall. Q. Did you overhear a conversation between Dr. Krebs and Dr. Van Zandt on that occasion? A. Not to my knowledge. Q. Did you hear any remarks on the pamphlet, "A Vindication, &c." A. Yes. Q. By whom were they made? A. By Dr. Krebs to me. Q. What were they? A. As I sat in the pew, my head leaning on my right hand, my left arm extended on the back of the pew, watching Mr. Ebaugh in his defence with his pamphlet in his hand—he was insisting upon the fact (as near as I can recollect) that Dr. Knox affirmed in the Classis of New-York that "there was nothing against Mr. Ebaugh up to that time,"—Dr. Krebs, as I think, touched the end of my fingers, he being against the wall, and in a subdued tone inquired, "Is that so?" I replied in the affirmative. Afterwards, a little farther on in the defence, Mr. Ebaugh commented on his being "condemned by 16 out of 42 votes belonging to said Classis," in reference to the injustice of the proceeding. Dr. Krebs then touched my fingers again, and inquired in a similar subdued tone, "Is that so?" To which I replied in the affirmative, because there was no opportunity of explanation.\* As near as I recollect at that time, when Mr. Ebaugh was

\* This use of Dr. Knox's remark by Mr. Ebaugh was objected to at the time in Classis, by himself and others, as a gross perversion. Some member had proposed that Mr. Ebaugh should be then tried irrespective of his Church matters—Dr. Knox objected to this, and said "there was nothing against Mr. Ebaugh," meaning, *then formally presented on the table of Classis*. Any one can see the dishonest use of this remark, and thus, whatever truth there is in his pamphlet, it is made to make plausible the most unworthy statements. When this case was decided, there was a Classis as full as usual. Counting the *disabled*, and the *absent*, and the *Missionaries* who are *never* there, Mr. Ebaugh might crowd up the number of Classical members. *These* are the persons who, he informs us, on p. 16 of his pamphlet, "took his advice, and availed themselves of the prudent convenience of being absent from the meeting of Classis, at the time this suspending resolution was enacted, evincing by this course of conduct, in a manner not to be misunderstood, that if the Ministers and Elders of the Collegiate Church, together with their few adherents in this case, were determined at all hazards to sacrifice me, they should at least have all the glory of it to themselves"!!! Who were these 28 members? Here are the names of some. Dr. Brownlee (*emeritus*); J. P. Knox (laboring in St. Thomas); J. Scudder and W. W. Scudder, Missionaries in Ceylon; Dr. Vermule, S. Buckham, W. Boyce, who are never seen at Classis, Rev. Mr. May, of Philadelphia, in Seaman's Friends Society, and others. Beyond a doubt, it was *convenient* for them to be absent, but that they "took his advice," they may believe who can. Besides, the Classis of New-York had set off nine Churches to form the Classis of Westchester.



near finishing his comments, I reposed my head upon the panel of the pew before me, as represented by Dr. Krebs when on oath. My recollection is, I think, distinct and vivid, from the circumstance that I was watching the issue of that appeal, as competent of being made to bear on the civil suit in which I am defendant against Mr. Ebaugh. While thinking upon that, I was a little surprised to hear Dr. Krebs say in words as near as I can recollect, to this effect: "That pamphlet is an outrageous publication, its language is very severe." The end of the sentence, as sworn to by him, in reference to the Collegiate Ministers I did not hear, to my knowledge; my surprise at hearing this from Dr. Krebs, arose from the fact that I understood he was a brother-in-law of Mr. Ebaugh, and inferred, probably without good reason, that he would therefore sympathize with Mr. Ebaugh. Considering the remark made to me, the reply I made to Mr. Krebs referred to the whole pamphlet, and not to the Collegiate Ministers at all, not hearing their names. The *truth* to which I referred, was those scraps of truth which are found throughout the pamphlet, such as, the remark made by Dr. Knox, &c.—As nearly as I recollect, my reply to Dr. Krebs was. "The worst of all, there is truth through all of it." Q. Did Dr. Van Zandt make any remark on the subject? A. None to me, that I recollect—he may have done so to Dr. Krebs. Q. How far was Dr. Van Zandt sitting from you then? A. I can't tell, he was in the pew behind. \*

Here some one moved that Mr. Gordon's evidence, together with that of Dr. K. and Dr. V. Z., be at once RULED OUT as utterly irrelevant, and the motion almost unanimously passed.

Rev. Dr. VAN PELT, *called by Mr. Ebaugh, affirmed.*

Q. Did you attend meetings of Classis of New-York, in Oct., Nov., Dec., 1851, and Feb. 1852? Ans. Some of them, but not all. Q. Were you present Oct. 1851, at the meeting at which the preamble and resolution to disband the Ger. Ref. Church, were introduced by Rev. T. W. Chambers? Ans. I was. Q. Was it not on the 21st of Oct., 1851, at our stated meeting? Ans. I think it was. Q. What was done with that preamble and resolution? Ans. They were debated. Q. Were you present when the report of Messrs. Chambers, Gordon and Westervelt on this subject, was brought in? Ans. I cannot say. Q. Were you present at the summing up in Feb. 16, 1852? Ans. Yes. Q. Did you, any time when you were present, hear any objections by Mr. Gordon, or anybody else to the statements made in the evidence, and summing up? Ans. I have no knowledge of any. Q. Were the statements made in this pamphlet admitted, or were they not, by all the members present, and Mr. Gordon among them, save an immaterial correction by Dr. De Witt?

\* That Mr. G. could not have meant "it's all true," must be evident from the fact that Mr. Ebaugh makes assertions therein respecting him, which Mr. G. brands as *sheer falsehood*, to the proof of which when Mr. E. is put, he *utterly fails*. Mr. Ebaugh in his printed version of this trial *leaves out* the entire testimony of Mr. Gordon, his *own* witness!



Ans. When Mr. Ebaugh began to sum up in that trial, the question came up about the pamphlet, which he preferred to use in his defence. And accordingly, having it in his hand, at times he read, and other times explained, and so went through. Q. During the whole of my defence, when using this pamphlet in part, did Mr. Gordon make any objection to the allegations here stated? Ans. I have no recollection that he did. Q. There is a statement on page 5th of Defence, Feb. 16th, 1852, "hence the motion, &c." In making my defence, did I not make that statement, and refer especially to Mr. Gordon who was then in the chair, and did he give any denial of it? Ans. I have no knowledge that he did. Q. The pamphlet, page 16, says Dr. John Knox remarked "that he could not conscientiously, &c." Did you hear Dr. K. make those remarks? Ans. Yes, I did. Q. On same page is said, "Dr. Thomas De Witt remarked, &c." Did you hear this remark? Ans. Yes, I did. Q. Did you meet Dr. Marselus in Classis during the discussion of these matters? Ans. Yes. Q. Did you put any questions to Dr. M.? Ans. Yes.

*Cross-examined.*

Q. Who was President of Classis during the session to which you referred? Ans. Mr. Gordon, I believe.

On motion, Dr. Van Pelt's testimony was RULED OUT, as negative and irrelevant.

W. C. KUYPERS, *called by Mr. Ebaugh, affirmed.*

His testimony, so far as it went, referred to the pamphlet. The Clerk of Classis writes—"The witness proceeded thus far, when in reply to a question, he became noisy and tumultuous, and the Classis deeming itself insulted, unanimously resolved that he be dismissed from the stand.\*"

*Tuesday, Dec. 14th, 1852.*

JOHN SCHWAB, *called by Mr. Ebaugh, affirmed.*

Q. Have you ever seen Mr. Gordon and Mr. Chambers? Ans. Yes. Q. Do you identify them as sitting before you? Ans. I do, but not sure whether both the gentlemen were at my house. Q. Were they introduced to you as Mr. Chambers and Mr. Gordon? Ans. It is in my mind that they were, but I am not sure. Q. What did they say was their object in visiting you? Ans. To find out the membership of Mr. Ebaugh's congregation. Q. What was the reply that you made to them? Ans. One thing or other was talked about, and finally I said I was a member. Q. What did you state was the object of their visit? Ans. To the amount that it was a sort of hatred to persecute some members of

\* Mr. Ebaugh's account of this "spontaneous combustion," in his garbled account of the trial, is simply a *perversion*.



the Classis. Q. What member did you allude to? ANS. Mr. Ebaugh. Q. What further took place? ANS. I stated to them, that a certain church property belonged to one as well as another.

*Cross-examined.*

Q. Can you state positively whether one or two persons called on you at the time referred to? ANS. I cannot. Q. What was the name of the one that called? ANS. It is so long since, that I cannot positively say. Q. You said our object was to find out the membership of Mr. Ebaugh's congregation. Did you state that you had not been to church for a long time? ANS. I did. The church was in 17th street, and my house in Christie near Grand. Q. Did you say or not, that you never meant to ask a certificate? ANS. I cannot say. Q. What other inquiries did the gentlemen make of you? ANS. I don't remember. Q. To whom did you state, that it was a sort of hatred, &c.? ANS. To the gentlemen who called on me. Q. Was this reply of yours in connection with a talk about church property? ANS. Yes, my reply was on that. Q. Did the gentlemen explain to you the object of their visit? ANS. I suppose they did, but don't know. Q. How were they treated? ANS. Civilly. Q. Any unkind words on either side? ANS. Not to my knowledge.

*Direct-examination.*

Q. Did you rebuke these gentlemen when they called? ANS. Yes, I told them that I thought it was very wrong, or something to that effect. Q. What was very wrong in your estimation? ANS. That Mr. Ebaugh should be persecuted on account of that suit.

*Cross-examination.*

Q. Did the committee tell you that they did not come to talk about that suit at all? ANS. Yes, I believe they did. Q. What did they say in reference to their sole business? ANS. I can't remember, except as I said before on account of the membership.

(Signed)

JOHN SCHWAB.

IRA BENJAMIN, *called by Mr. Ebaugh, affirmed.*

Q. Do you know these gentlemen before you, Messrs. Chambers & Gordon? ANS. I do. Q. Did you ever see them at your house or shop? ANS. Near my shop I did. Q. Did they ask if you were a member of the Ger. Ref. Church? ANS. They did. Q. What conversation had you on the subject of the Consistory? ANS. First, they asked why the Consistory did not meet the committee according to the notice sent them. I answered that they had not stated in the notice what it was for—that was the objection. Q. What further conversation had you



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

*Cross-examined—by Mr. GORDON.*

**Q.** Was this conversation with Mr. Chambers or with me? **ANS.** Mr. Chambers did most of the talking. **Q.** Did the committee say their object in calling was not to talk of affairs of the Collegiate Church? **ANS.** Yes. **Q.** Apart from the conversation about the Collegiate Church, was not the interview between you and the committee agreeable and courteous? **ANS.** Yes. **Q.** by Mr. Chambers. Are you sure that the committee told you that the object of Classis was to try Mr. Ebaugh? **ANS.** I think that was the reply.

(Signed)

IRA BENJAMIN.

*JOHN WESTERVELT, called by Mr. Ebaugh, affirmed.*

**Q.** Are you an elder of the church formerly cor. Greene and Houston streets? **ANS.** Yes. **Q.** How long? **ANS.** Three or four years. **Q.** Do you know of the sale of that church? **ANS.** I do. **Q.** By whom was the sale made? **ANS.** By the Consistory. **Q.** Who subscribed the deed? **ANS.** President and Secretary. **Q.** Who is President. **ANS.** Mr. Gordon. **Q.** Who is Secretary? **ANS.** At that time it was Mr. Jacob Brinkerhoff, I think. **Q.** When did you effect the sale? **ANS.** Some time in Jan., 1852, or Feb. **Q.** What did the Consistory resolve, after selling the church? **ANS.** To build another. **Q.** Did you contemplate building it out of your own means as a congregation? **ANS.** I don't recollect that any thing was said on the subject at that time. **Q.** Did you afterwards apply to Collegiate Church for \$12,000 to aid you? **ANS.** Not to my knowledge. **Q.** Did you apply for a loan of money? **ANS.**



Yes. Q. Who signed that application? Ans. The President and Secretary. Q. Can you state the amount? Ans. I do not recollect whether it was ten or twelve thousand dollars. Q. Was your application successful? Ans. No. Q. Did you repeat it? Ans. No.

*Cross-examined.*

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

(Signed)

JOHN WESTERVELT.

Defence rested, and Classis adjourned.

*December 15th, 1852.*

Classis met. After opening, the parties proceeded to sum up.

The following are the points of argument for the prosecution:—

1. When a member of the church or a minister of the gospel is known to have committed any fault of a gross kind, and a brother, knowing thereof, fails to take proper steps in the line of discipline, the sin of *omission* in the latter is often greater than the sin of *commission* in the former.

2. In this case, Mr. Ebaugh's *reasons* for his plea of "not guilty" are utterly irrelevant and evasive (see his answer). The *first* is a protest against a large number of members of Classis sitting either as members or jurors in his case. The *second* reason is, a wish to be set off to the South Classis of New-York!

3. This answer was an assurance in the outset, that all the evidence he could adduce would be irrelevant and nugatory; and now, as this prediction was then made from the character of the answer, that the evidence is all in, Classis is asked to decide whether this prediction is not verified.

4. That he *published* the pamphlet in question, is proved by the evidence of Messrs. Marselus, Brinkerhoff, and Porter.

1st Charge in the complaint is MALICIOUS PROSECUTION. The prosecution itself is admitted, and the proofs of its *maliciousness* are the following:—

1. Mr. Ebaugh never attempts to refute it but by his mere denial.

2. Mr. G's *rectitude of motive* in discharge of prescribed duty, is proved by the evidence of Dr. Marselus, and by Mr. Ebaugh's admissions in his pamphlet, as quoted in complaint.

3. The *omission* of Mr. Westervelt's name in his suit against the committee, although he was equally implicated with the rest.

4. The *withdrawal* of said suit from Drs. Knox, De Witt and Vermilye, although they are branded in his bill of complaint to be as deeply culpable as Mr. G. See his complaint, p. 11.

5. Violent language used in his pamphlet, as quoted in complaint of Mr. G.

6. The *circumstance* of his prosecuting Mr. G. on the day immediately *after* the report was read, and *before* his trial, the issue of which he could not know. These prove maliciousness.



2d Charge is, MISREPRESENTATION AND FALSE ALLEGATIONS, as the ground of the aforesaid civil action.

1st Proof. Rev. Mr. Chambers' evidence, assuming the *sole* authorship of the preamble and resolution complained of, and for which E. makes Mr. G. responsible with others for a premeditated ill-design to ruin him in his reputation and fortunes,—see his complaint in civil action.

2. His own admission on pp. 17 and 23 of his pamphlet.

3. The *withdrawal* aforesaid. For by the terms of his complaint in the civil suit, if Drs. Knox, De Witt, and Vermilye are innocent of the charges withdrawn from them, so is Mr. Gordon, and therefore those representations and assertions respecting him are equally false.

4. His utter failure to prove his assertions either by oral, documentary, or circumstantial evidence on this trial.

3d Charge is, LIBELLOUS AFFIRMATIONS *made* and *published* respecting Mr. G. in his pamphlet. See them quoted in complaint of Mr. G.

1st Proof. His failure to substantiate any of them by his witnesses.

2. Circumstances prove them false. See Rev. Mr. Chambers' evidence.

3. No attempt to get rid of the base fabrications, constituting the fourth and fifth specifications under this charge.

4. The bitterness with which they are uttered, is presumptive proof against their truth, when the style of the whole pamphlet is regarded.

4th Charge is, GROSS DEFAMATION OF CHARACTER, published to the personal injury of many of the members of this Classis; and imputation of corruption in connection with their votes in his case, in said pamphlet, in language and spirit, incompatible with Christianity, and constituting a forfeiture of his standing as a member of Classis.

1st Proof. 5, 19, 20, 21 pages of his pamphlet and others.

2. Imputation of corruption on 25th page, by moneyed influence, an outrage so great that it cannot be tolerated.

3. Failure to escape this charge.

4. Reiteration in his first attempted answer, on this trial, of similar offensive language, for which he was *rebuked* by Classis and Synod.

5. The imbecile attempt to criminate Mr. G. by evidence ruled out as irrelevant to the case; and even if the assertion were true as to his admission of the truth of his pamphlet, it would not prove any thing pertinent to the matter in hand.

6. The weak assumption that members of Classis admitted his pamphlet to be true, because they did not *object* to his statements. Whereas he knows they not only brought forth strong denials, but produced stormy sessions of this Classis at the time.

7. In his second pamphlet, Mr. Ebaugh says, that the resolution condemnatory of his first pamphlet by General Synod, "was evidently intended on the part of Synod, and was so understood by the Commis-



sioners of Classis, on the floor of Synod,\* to be a salvo to the feelings of those members of the Classis of New-York, who had just received a withering rebuke by the decision of said Synod," &c., p. 25. And yet, he pleads that this fourth charge should not prevail, [See his third pamphlet just circulated, page 46,] because his first pamphlet "was censured by General Synod, and to make it now the ground of trial is, as it were, to try the defendant for a thing already decided by the highest court." This resolution of condemnation Mr. Ebaugh brought down upon his own head, by his own imprudence in said Synod, with which this Classis had nothing to do; and he cannot plead a "salvo," intended for their benefit, as an argument why he should not answer for his sins against them. (This last point was simply alluded to.)

For these reasons the Plaintiff claims judgment in his favor.

Mr. Ebaugh's reply was simply an amplification of quoted language employed in his first pamphlet, p. 21. "Why does the White Man follow my track!"\* He introduced a paper, which he read in *argument* purporting to be an OATH, sworn by himself before some commissioner, (very convenient!) in which he says the plaintiff used the language to himself, but which he could not otherwise prove, relative to the fourth specification of 3d charge; and several irrelevant matters of personal concern, whose grossness was, in fact, an *acknowledgment of total discomfiture*, that awakened pity; for he had declared, he could not "collect and arrange all the evidence he should have to adduce on this trial in a less space of time than 30 days." All the witnesses he brought to the stand, being residents of this city, could have been notified in half a day, and he had no documentary evidence. The testimony of Messrs. Schwab, Benjamin and Westervelt was all that was considered relevant to the case, and it will be hard to perceive what bearing it has on any point at issue in this trial.†

The Classis, after due deliberation on each of the charges and specifications, decided on all, in favor of plaintiff.

\* The Gen. Synod was about passing a resolution, of "confidence in the integrity and good intention of the Classis of New York." Dr. Vermilye repudiated it as "a salvo, uncalled for;" and it was withdrawn, and the "condemnatory resolution" was unanimously carried afterwards. Yet Mr. E., true to the weaver's sign, "*Doubling and Twisting done here*," can't present the matter fairly.

† Subsequently, Mr. E. was requested by letter to furnish a copy of said oath, and the name and office of the commissioner before whom he swore. He took care not to do it.



## APPENDIX.

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“THE committee to whom was referred the subjects of the recommendation of the committee on affairs of German Ref. Church, that said Church be dissolved, respectfully reports as follows:—

That before proceeding in the business referred to them, they through their chairman informed the Rev. Mr. Ebaugh and the consistory of that Church of their appointment, and requested their attendance on the committee, with such information on the subject of the reference as they felt willing to communicate. That neither Mr. Ebaugh, nor any of his consistory attended the meetings of the committee, and your committee have of course resorted to other sources to obtain the information required. Your committee have ascertained the following, as they believe, to be the facts as connected with the organization of this Church, so far as it is connected with this Classis. This congregation existed prior to 1793, as an independent Church, not connected with the Ref. Dutch Church in this city. In 1764 they decided to connect themselves with this denomination, and place themselves under their jurisdiction. In 1793 the Classis of New-York, in a list of the churches belonging to this Classis, which was inserted in their records, included this Church. The connection between such congregation and the Classis of New-York, continued nominally from that period, until 1823, with occasional interruptions. During all this period and especially after 1805, the representation in Classis was very uncertain, often no one appearing at successive meetings of Classis. Until 1805, the control exercised by Classis appears to have been constant, but after that period, and until 1815, the absence from Classis, and disregard of its authority, from time to time, seems to have taken place frequently. In 1810, difficulties in the church, on the subject of doctrine, led to an application to Classis, in which the protection of Classis was claimed, on the ground that there was no formal discharge of the church by Classis during its former withdrawals; and after discussion in Classis, it was decided that Classis still had jurisdiction over this Church, but refused them, under the then existing circumstances, a seat in that body. This state of things continued, the church not being regularly represented in Classis at its meetings, until 1823, the year after the erection of the building in Forsyth-street. In this year, 1823, the church communicated to Classis their intention to withdraw from the Dutch Church. This was in opposition to a majority of the congregation, and the Classis refused their assent, and at the meeting of Classis in Oct., 1823, a formal application was made by the consistory for admission, and to be transferred to the German Ref. Church. The discussion in Classis on this application resulted in the conclusion, that there were difficulties existing in the church which led to “irreconcilable dissensions,” and the subject was frequently before Classis,



until Oct., 1825, when a committee reported, that they were informed by the minister of the church, that they did not consider themselves connected with the Classis, and that any attempt to reunite them with the Classis would be ineffectual.

No connection or intercourse took place between the church and the Classis, from 1823 to 1838: but during all that period, both bodies acted upon the supposed entire separation of the church from the jurisdiction of Classis as declared in 1823.

In 1838, an application was made to Classis by some of the congregation who were opposed to the union with another body, asking the Classis to take the church under their charge, and appoint supplies for the pulpit then vacant, which, after some discussion, was acceded to by Classis, and supplies were appointed.

This proceeding on the part of a portion of the congregation and of Classis eventually led to dissension, which took place in the church, and to the resort to civil tribunals, in which the question as to the proper organization of the church as then existing, and the relative claims of the different bodies who asserted that they were the consistory of the church, now made a subject of litigation, and of final adjudication. Without referring to the various and contradictory decisions of the different Courts before which the cause was argued, and by which decisions were made, it is sufficient to state, that in the Court for the Correction of Errors, the highest court in this State, a decision was made adverse to the claims set up by the portion of the congregation in connection with the Classis, and declaring the legal organization of the church to be with the party who claimed to be independent of this Classis, and awarding to them the possession of the church edifice, and all the property belonging to the corporation.

While this litigation was in progress, and after a decision by one of the Courts against the party claiming to be in connection with this Classis, that party withdrew from the church in Forsyth-street, and with the remains of a consistory that still adhered, attempted the continuance of a church in another part of the city. The success of that movement, however, was not attained, and after ineffectual struggles to continue the regular ordinances of the Gospel, they ceased to meet as an independent body, and the building in which they had been worshipping was sold, and public services were suspended.

From statements made in the Classis at the last meeting, an effort is now making to revive the same church in another location, but with what success the committee are unable to state. From this statement it will be apparent, that the condition of this church is very extraordinary. While the legal organization of the church, and the title to all the property, as well as the greater portion of the members are with those who claim to be independent of this Classis, a small portion of the congregation without any legal organization, claim to have an ecclesiastical existence separate and independent from the other body. This ecclesiastical organization can only be claimed from the acts of Classis. If the Classis in 1838 had not assumed a jurisdiction and control over the church, the subsequent difficulties could not have arisen. Whether that proceeding was within the power of Classis at the time, is a question of some importance. The church in Forsyth-street by a vote of its consistory, had declared itself independent of the Classis in 1823. It is not necessary now to say, whether a church can so withdraw from the Classis without its consent. Although it will be remembered by many of the members of the Classis, that upon the application of the Stanton-street Church, under the pastoral care of Rev. J. Lillie, for such a dismissal to the Presbyterian Church, some of the fathers in the church expressed the opinion, that a church could withdraw of its own accord, and that no dismissal was necessary, and in the late correspondence with the Presbyterian Church, they



refused to recognize any necessity for a dismissal before receiving a Dutch Church into connection with one of their presbyteries.

Whatever might be the decision of Classis on such a question, your committee think this case is relieved from that difficulty, by the fact, that the Classis for a period of fifteen years acquiesced in such withdrawal, and that they were bound by such silence on their part, so that their consent to the withdrawal from the jurisdiction of this Classis is to be presumed.

If this be so, then the subsequent act of the Classis in 1838, in asserting a claim of jurisdiction over that body was irregular and void. They could not again obtain that control, except upon an application from the Consistory of that church to be again received in connection with this Classis. This was not the case, but such application was made by a portion who, according to the decision of the law courts, are not the lawful consistory of that church. Nor was it an application for readmission to the Classis, but a mere request for Classis to exercise jurisdiction over that church, and appoint supplies, &c.

The effect of this attempted control by Classis over the church, in 1838, was to continue a division, and has led to the strange fact, that one church has broken into two parts, and that each part is now claiming to act under an ecclesiastical organization, and to exercise the powers of a church of Christ, when in fact there has been but one church organized, and, therefore, one of these two parts is acting without any ecclesiastical authority whatever. Such a state of things ought not to exist, and the question that naturally arises is, how shall it be remedied?

That Classis has the power to insist that the ecclesiastical organization is regularly with the portion over whom they exercise control, even in opposition to the decision of the courts of law, is not denied; but to warrant such a course in this country, where no connection exists between the Church and the State, there should be a clear and undoubted case made out. If there is doubt, or if it is apparent that the organization as a separate body has been improperly continued by the Classis, the evil should be remedied as soon as possible. To sanction the continuance of an association of this kind, without, in fact, giving it an ecclesiastical organization as a church of Christ, and permitting such an association to receive members and exercise discipline, would be giving them a power which the committee think this Classis would not be willing to assent to. Even if there were good ground to doubt as to which body was properly entitled to the ecclesiastical organization as a church, there are other reasons why it is not advisable for this body any longer to insist upon such a claim. By the decision of the highest court of this State, it is settled that the church in Forsyth-street is not in connection with this Classis, and that the portion of the Consistory who seceded, and remained with this Classis, do not constitute the legal Consistory of the German Reformed Church in the city of New-York.

It follows, therefore, that the legal existence of the corporation by which the property is held, is in those who are not acting with this Classis, and the consequence is, that those who seceded have no legal existence. They have no incorporation. They have no seal. They can neither buy nor hold real estate, and, in order to provide a place of worship, they must hold it in the name of individuals, or become incorporate anew as a distinct and separate incorporation.

Under such circumstances, your committee are decidedly of the opinion that the wisest course of this body, both for themselves and those who withdrew from the church in Forsyth-street, is to yield to the decision of the State tribunals on this subject, and to declare that in consequence thereof, there is no ecclesiastical organization by which those who seceded from that church can claim to exist as a regularly organized Church of Christ. In case the Classis should make such a determination, it would be proper that some mea-



asures should be adopted for the protection of any who have been led to suppose themselves to be members of a duly organized Church; and to meet this difficulty, they recommend that measures be taken on the part of Classis, by the appointment of a committee, with authority to organize such members into a church, or to take the necessary steps by which they can unite with other churches, as they shall deem most advisable.

The committee recommend the following resolution for adoption by Classis:—

*Resolved*, That the Classis of New-York, in accordance with the decisions of the Court for the Correction of Errors in this State, declare that there is no ecclesiastical organization of the German Reformed Church, in the city of New-York, separate and distinct from “the Corporation of the German Reformed Church in the city of New-York.” And inasmuch as that court has, by its decision, placed the corporation and the title to the church edifice and other property in the possession of those who deny any connection with this Classis, that this body can no longer recognize any such separate organization as in existence, or in connection with this Classis.

*Resolved*, That Rev. \_\_\_\_\_ be a committee to take such measures as may be necessary to provide for an organization into a church of any who have been led to suppose themselves to be members of such a church, under the care of this Classis, or to provide for their admission to other churches, if either course should be desired by such individuals.

All which is respectfully submitted.

Signed, by order of the committee,

\*New-York, April 20th, 1852.

G. H. FISHER, Chairman.

The above report was adopted by 16 to 6.

\* NOTE.—The above report was presented at the stated meeting of Classis, April 20th, 1852, and laid on the table, and was called up at the next regular meeting, Oct. 19th, 1852, and then adopted.

N. I. MARSELUS, Stated Clerk.”

N. B. It will be remembered that Classis never *attempted* to disband Mr. Ebaugh’s so called church. The proposition by Mr. Chambers to do so, led to the adoption of a course by which it was discovered there was *nothing* to disband. Classis knew they could not disband a church, consequently the paper of Mr. Chambers was accepted for debate, but never adopted for action. Yet Mr. Ebaugh made this, together with his abusive allegation of the corrupting influence of the Collegiate Church, *side issues*, before Gen. Synod; and must have the credit of getting clear by such aid.



# A P P E A L .

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NEW YORK, Feb'y 21st, 1852.

TO THE REV. W. R. GORDON, PRESIDENT OF THE  
CLASSIS OF NEW-YORK:

I hereby appeal from the decision of the Classis of New-York, in suspending me from the Gospel Ministry, Feb. 16th, 1852, to the Particular Synod of the Reformed Protestant Dutch Church of North America, for the following reasons, viz:

1. Because the whole Preamble and Resolutions on which the Committee, consisting of Revds. T. W. Chambers and Wm. R. Gordon and Elder John Westervelt, were appointed by Classis, are in utter violation of the Constitution of the Protestant Reformed Dutch Church of North America. See Constitution, page 25, Article III., Sec. 2, Classis shall only have power of "forming new congregations and deciding when such boundaries are contested; of *continuing combinations of two or more congregations, the dissolution and change of the same.*" But have no power of disbanding a Church against its consent.

2. Because said Classis had no right to enjoin me and the Consistory of the German Reformed Church, in the city of New York, to produce or lay before said Committee or Classis, our Books of minutes and Papers containing our secular proceedings of said Consistory.

3. Because, I was not bound personally, nor as President of the Consistory of said Church, nor was the Consistory bound by decorum nor law to meet said Committee of Classis, with or without any Books of said Consistory, until after we had received an official copy of the Preamble and Resolution of Classis, giving us information of the object and powers and instructions of said Committee.

4. Because said Committee of Classis violated their instructions and the object of their appointment by Classis, by refusing to meet with me and the Consistory of the German Reformed Church, aforesaid, after we had received a copy of the Preamble and Resolutions referred to, and I notified said Committee that we were ready and willing to meet said Committee when and where they appointed.

5. Because said Committee, without any instructions of Classis, instead of meeting us as the Pastor and Consistory of said Church,



inquisitorily passed from house to house among the members of said Church and others, and thus raked up slanders against me.

6. Because the Injunctions of the Constitution, page 34, sec. 4, were grossly violated in the manner in which accusations were obtained against me by the Committee, viz: "In admitting accusations against a Minister or Elder, the rule prescribed in 1 Tim. 5, 19—'Receive not an accusation against an Elder, but by the mouth of two or more witnesses,' shall always be observed, and accusers must come forward openly to support the charge." And again see Const. page 35, Article 4, sec. 3, "Great caution is to be exercised in receiving accusations, where there is good reason to believe that they are preferred through passion, or improper, or unchristian motive."

7. Because the rule of God's House was utterly violated by Classis, in the trial of this case, viz: In refusing to bring forward my actual "accusers, face to face," openly to prove the accusations against me in Classis, as Revds. W. Van Doren and J. Lord avowed openly in Classis, that they were appointed as mere instruments of Classis, against their will and voluntary consent, to draw up and prosecute said charges against me in Classis, and were thus used for the purpose of screening the actual accusers in the premises.

8. Because a great majority of those members of Classis who voted for my suspension, February 16th, 1852, were disqualified from sitting as impartial judges in this case, for reasons clearly set forth in my answer to the committee's report and charges founded thereon, and in the documents containing my exceptions to the whole of this trial as unfairly conducted in Classis against me.

9. Because of the violation of the rule of God's house, Matt. 18th 15, 16: "If thy brother offend or trespass against thee, go and tell him his fault, first between thee and him alone. If he hear thee, thou hast gained thy brother; but if he will not hear thee, then take with thee one or more, that by the mouths of two or more witnesses every word may be established. But if he shall neglect to hear thee, then tell it to the church;" as no member of Classis ever exercised the christian candour of representing any grievance against me during my residence of some fifteen years in New York, but on the contrary, the oldest member of said Classis who has a pastoral charge, and who has known me for thirty years past, made the statement openly in Classis, October 21st, 1851, that up to that time "*there was nothing against me,*" and this statement was not contradicted by even an insinuation, by any one in Classis, at that time.

10. Because the decision in relation to *the charges against me*, and



also the *resolution adopted by Classis suspending me*, are in contradiction to the evidence adduced in the premises.

11. Because said sentence of suspension in this case, is immeasurably more severe than the charges, even if proved, would warrant in any ecclesiastical judicatory, professing to be under the law of God's house, "Do unto others as you would be done by," as it evinces a total forgetfulness of the axiom in the Providence of God, that those who "meet out judgment without mercy, shall receive judgment without mercy."

For the above reasons I repeat, that I feel greatly aggrieved by the decision of the Classis of New York against me, February 16th, 1852; and hence at once appeal from said decision to the Particular Synod of the Reformed Protestant Dutch Church of North America.

Yours, Respectfully,

JOHN S. EBAUGH.

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## SUBSTANCE OF THE REPLY OF JOHN S. EBAUGH,

*To the Summing up Speeches of Revds. J. Lord and W. Van Doren, in this case, Feb. 16th, 1852. And also,*

### THE SUBSTANCE OF HIS DEFENCE

*Against the Decision of the Classis of New York, on the above date, as delivered in the Synod of the Reformed Dutch Church, at its Sessions in 1852.*

In arising before this Rev. Body, to enter upon my defence against the charges alledged against me in Classis, and the decision of said Classis against me in the premises; I assure *you, one and all*, that I am deeply conscious of the fearful odds with which, humanly speaking, I have to contend,—*on the score of talent, wealth, influence and combination*, consisting as they do, of the *Ministers, Elders and Deacons* of the Collegiate Reformed Dutch Church, in the city of New York, together with their adherents; composing by far the greatest Church monopoly in the United States of North America, with the bare exception of Trinity Church, of this city. A monopoly, which, when arrayed in all its machinery, and brought to bear upon an individual, is calculated to crush him ecclesiastically, just as surely, as if he were to cast his body before the wheels of the car of Juggernaut, when in rapid progression on its pathway of death, unless



he has the *majesty of that truth on his side, which is mighty and must prevail against all opposition.*

I am therefore fully aware, as one of my Rev. friends of high standing in the Reformed Dutch Church, remarked to me, that my opponents in this case, calculate very much on getting *altogether into one scale on this subject*, whilst I must, as a *matter of course, take my place in the other*; and then as they calculate, it will be an easy matter for them, to *make me kick the beam*. Therefore like the Champion of Philistia, covered with coats of mail, and bearing with them swords and spears like weavers' beams, it would be manifesting foolhardiness in me, on the present occasion, to come up against them; but as relying on the God of Israel, who can, "save by few as well as by many,"—and whose manner is to make the weak things of this world to overwhelm the mighty, and the foolish things of this world, to confound the wise." Relying implicitly on this God in entering upon my defence before this Rev. Body, the only weapons I desire to make use of, are the simple sling and a few stones gathered on the margin of the gulf stream on which the Brethren of the Collegiate Church, have been permitted to float so smoothly, for ages past, and to do just as they pleased, that they appear to have settled down in the opinion, that they are invested with a divine and feesimple right to spend God's money, left by the pious Donors for a specific purpose, clearly set forth,—for any variety of objects they may see proper to adopt; and that there are none who have a right to ask: "what doest thou?" Therefore, relying under God, on these facts inseparably connected with the whole of this subject, I shall at once address myself to the work of making my defence in the premises, beseeching the members of Synod to bear with me, while I conscientiously present to them in great plainness of speech, my grounds of reliance on this Rev. Body, to reverse the decision and resolution of the Classis in this case.

In reply to the speeches of Messrs. Lord and Van Doren, the prosecutors in this case, when before Classis, I say that I pity them in being compelled to resort to such miserable sophistry, and perverting the testimony in this case, in order to make the worse appear the better part. I shall therefore, not attempt to follow them through all their winding mazes; but draw the attention of this Reverend Body to some prominent facts which have a direct bearing on the case now under discussion.

And 1st—In relation to the pretended contumacy alledged against me, and so plausibly defended by Mr. Lord, I say that the fact is that Mr. Chambers is the man in whose brain this whole scheme of disbanding my Church was hatched, a whole year ago, and with whom it appears to have been a favorite object ever since. And hence, he voluntarily brought it up again upon the floor of Classis, October 21st, 1851. And then, as is frequently the case, was himself appointed Chairman of the Committee, whose business was to meet me and the Consistory of the German Reformed Church in the City of New-York, and then report to Classis the result of this interview. But instead of forwarding to myself and Consistory a copy of the Pream-



ble and Resolutions of Classis, containing the appointment and instructions of said Committee, he barely deigned to forward a few lines to me, ordering me and the Consistory to meet them at the Consistory Room, in Fulton street, when he knew that a sense of decorum, as well as right, required him to forward to us a transcript of the official authority on which said Committee acted. But this, as I sincerely believe, and as the sequel shows, he purposely omitted, in order to pick a quarrel with me, as he well knew that I understood my rights too well, thus to suffer myself, or said Consistory, to be imposed upon. And hence, when I announced to him officially, upon my receiving a copy of said Preamble and Resolutions, containing the appointment and instructions of the Committee, that we were ready to meet the Committee when and where they appointed, he replied in behalf of said Committee, that they refused to meet us; but demanded all our books of Minutes, Secular and Spiritual, of the Consistory; and then went from house to house, through my Church, and gathered up falsehoods and slanders against me, so that in this whole affair, I leave it to any unbiassed mind whether *I have not been the aggrieved and maltreated individual* in the premises; and whether said Committee have not acted most *censurably in the part they performed towards us?*

So much for contumacy on this score; and now as to the pretended contumacy on the second specification, viz.: "My withdrawing from the Classis, November 19th, 1851, without leave; and my leaving on the table of Classis, an objectionable document." I reply with all boldness, under a consciousness of having truth and right on my side, that the first part of this specification is without the least shadow of foundation, as I was not in the meeting of Classis at all on that day, but was detained by pressing business. And as to the second part of this specification, viz., "My leaving objectionable documents on the table of Classis," I remark that said documents only contained plain, candid and unanswerable replies to the hard speeches in Classis made against me and the German Reformed Church, for whose dearest interests I had spent my energies for many years. And also, frankly stating my honest convictions of the object of the present crusade *against myself and my Church*; and the *results* anticipated from the *character and circumstances of the majority of the members of the Classis who took part in this trial*. And now I ask, with all imaginable candor, did not Mr. Chambers richly deserve to have his own pure mind stirred up by way of remembrance of the results of his own ministry in his *present charge*, which is acknowledged on all hands, excepting by the Ministers and People belonging to said Collegiate Church, to be the very greatest incubus and hindrance to the growth and extension of the Reformed Dutch Denomination in this city, as may very easily be proved by facts too numerous to state on the present occasion. So that I do not use language, by any means, so severe on this subject as others who have felt and do yet feel the millstone weight of the Collegiate Church crushing them to the earth. And hence, the motion was in the act of being made by the Reverend Mr. Gordon, in the meeting, which was held on Monday, February 9th, to make arrangements for holding a day of prayer, for Colleges, on the last Thursday of February; to, also, set apart a day for special prayer for this very



Collegiate Church, that God might be moved of his mercy and clemency to awaken said Church to a better sense of its *duty to God and the Churches*, and the *community around it*. And that there are abundant grounds for appointing such a day of prayer, for said Church, is only too evident from such melancholy facts as the following: The Constitution of the Reformed Dutch Church of North America, under which we live, demands of one and all of us, as *Ministers, Elders and Churches*, obedience to the Scriptural doctrine of ministerial parity; and, also, parity of Churches—in the unmistakable language of Him whom we all profess to serve as our common *Lord, King, and Head of his Church*, viz.: “*One is your Master, and ye are all brethren.*” Now take this solemn injunction, coming as it does, from the very highest authority, even from the King of Zion himself, and apply to it the practical application of it, by Paul in Cor. viz.: “If one member of the body suffers, then let all the other members of the body practically sympathise with it.” Now, I say, let us see in a few out of the many instances, how the Collegiate Church has acted out this doctrine of *fraternal or maternal sympathy* towards the other Dutch Churches in this city. Take, for instance, the case of the South Dutch Church, when in a condition to excite the deepest sympathy of all around, by having their venerable house of worship, in Garden street, laid in ashes by the devouring element, in the ever memorable conflagration of 1835. After this calamity, it was deemed by all in said Church and out of it, utterly inexpedient to reconstruct said edifice on the same site, and the members of said Church wisely agreed to become two bands, for the purpose of better furthering the interests of all classes of the members of said Church and the floating community at large, by erecting one Church down in Murray street, and the other at Washington Square. But who should believe it? When the South Dutch Church disposed of their property in Garden street, instead of stretching forth the helping hand on the part of the Collegiate Church, in their affliction, the lion's share of the purchase money, even \$60,000, is demanded by the Consistory of the Collegiate Dutch Church before they would put a finger to the deed of conveyance to the purchasers of said property in Garden street, under the technical claim on said property by the Collegiate Consistory of a lease of said property to the South Dutch Church for three peppercorns per year, and by this tremendous exaction they inflicted a death-wound upon both branches of this *venerable Church*, under which they are both suffering most awfully to the present day.

Take the Franklin street Church as another instance. When they were burned out some years since, and in their affliction asked most piteously for aid from the Collegiate Consistory, they were likewise repulsed, and were left to struggle on for years together under a heavy debt, some thousands of which remain unpaid to the present day. This was also the case with the Orchard street Dutch Church, when years ago said Church was groaning under a debt too heavy for them *as a new enterprize, to bear*; sooner than to extend their fostering hand to aid and relieve them, the Collegiate Church actually suffered the Sheriff to sell said Church over their heads, and thus permitted the whole property to go into the hands of the most *heterodox class* of



Universalists, after the thousands that had been spent in purchasing the lots and rearing said house of Worship, and *dedicating it as a Reformed Dutch Church to the service of the Triune God, Father, Son, and Holy Ghost.*

Take the Stanton street Church, under the pastoral care of the Rev. John Lillie, as another instance of flagrant violation of the duty of christian sympathy on the part of the Collegiate Dutch Church, towards a weak and struggling Church, which was actually permitted to groan for years under a grievous debt, and after being rudely repelled again and again, when beseeching the Collegiate Church to come to their help by the donation of but a few hundred dollars, which would have relieved and encouraged them to struggle through as a Dutch Church, they were refused, until wearied out; said Church was compelled to leave the Dutch connection and seek shelter and succor by joining the Presbyterian Church.

Take the German Reformed Church, for which I have toiled and labored for many years past, and we may trace our present hard fate of having no Church of our own, at present, in which to assemble ourselves, to this same culpable want of sympathy towards us, as a Church and Pastor, in refusing a few hundred dollars aid to regain possession of our Church and property in Forsyth street, after we were most unrighteously ousted out of it in 1846. So that we may attribute our present condition far more to the narrow and contracted line of policy pursued towards us by the Consistory of the Collegiate Dutch Church, than to the party now in possession of said Church, or any other cause whatever. And now, in order to fill up our cup of bitter affliction, instead of feeling for us as suffering members of the same body and family, and being moved with sympathy to extend us aid from their overflowing coffers, they unite in the present God-dishonoring efforts to disband and scatter this Church to the four winds of heaven, even if it must be accomplished by smiting the "Shepherd so that the sheep may be scattered." And all this is attempted to be accomplished under the pretext of the said German Reformed Church being weak and inefficient, when facts prove that for the short space of time we have been permitted to go on in peace and quietness, we have always as a Church, even to the present day, fairly distanced the Collegiate Church in the numbers received into our communion, and in doing good, according to our means, having received nine members on confession at our communion in January, 1852. In proof positive of this statement, just consult the Records of the Collegiate Church, say for 1851, as reported to Classis, as the aggregate number received into the North Dutch, Lafayette and *Ninth Street Church*, which form the Collegiate Church, and you will find the following to be the fact: Received into the communion of said Church on confession, 27; on certificate, 48; dismissed, 33; suspended, 2; and died, 33; so that if you deduct those members who have left said Church, in the above ecclesiastical year, you have the wonderful addition left in the whole three Churches, with *four master builders, too, to man them*, and those assisted by 24 Elders and Deacons of 7 members, viz.: 2 and 1-3 of a member to each Church for one whole year; and this, too, at an expense as follows; For salaries of 5 Ministers, 4 of whom minister alternately in the



three Churches, \$13,500 per annum; salary for Organists and singing men and singing women, \$3000 per annum; for Sexton's salary, and Fuel and Lights, \$3000, making in all at least \$19,500 per year to meet current expenses. Now, add to this, the interest on the fearful amount of God's money, invested in the lots on which said Churches stand, together with the materials of which they are built; say the North Dutch \$150,000, Lafayette \$160,000, and Ninth street, being on leased ground, say only \$23,000, making the aggregate of \$333,000 invested in said establishments, the interests of which sum would be, at 7 per cent., the lawful amount per annum in this State, of some \$22,000, making in all \$41,500 per annum, and only 7 members of increase as the result of all, to keep said establishments in operation. I say, seriously, look at this; and I ask, in the name of everything sacred, whether *any of the Pastors*, and much more so, the *Junior Pastor* of said Collegiate Church, should indulge in animadversions against the *German Reformed Church*, or any other *Church in the Reformed Dutch connection*, on account of feebleness or inefficiency. And I put it with all seriousness, as in the presence of God, whether this Reverend Body is not, in duty bound to the *great Head of the Church* and the community at large, to pass a resolution ordering the Classis of New York to institute a searching and thorough examination into the dire causes of this profligate expenditure of means, and utter failure of spiritual results, in the Collegiate Ref. Dutch Church of New York, and to report the result of said investigation, with as little delay as possible, to a special meeting of Synod, to be called for this purpose; or, if it be not the bounden duty of this Synod to use the prerogative which the constitution gives it, to order Classis *at once to dissolve the Collegiate connection*, and instruct each of said Churches to proceed to choose, by ballot, their own separate Pastor, whose business it would be to prepare his two *Sermons* and a *Lecture* per week, instead of using their Sermons, as is their present practice, in the three Churches in succession. As this would occupy their time much more appropriately than going around from house to house, as in the present case, by the Junior Pastor of said Church, to gather up false accusations against their brethren.

And let me predict to this Reverend Body and to the Church at large, (although not a Prophet, nor the son of a Prophet,) that unless measures are speedily adopted by the proper authorities to effect a thorough change in the policy and practice of this very Church; the day is not far distant when she will be left in all the inglorious solitude of the *far-famed Sphinx of the Libean Desert*. As the rest of the Reformed Dutch Churches in the city of New York cannot and will not bear up much longer under the blighting influence brought to bear upon them from this quarter, but will be compelled to follow the example of the Stanton street Church, and seek an asylum in the bosom of a sister Church, which manifests a spirit much more congenial to the Scriptural Doctrine of christian sympathy already referred to. And in making this solemn statement, I speak advisedly as from the serious and ominous remarks, coming, as they do, from not a few of the Churches of the Reformed Dutch connection in this city. And who would blame them for such a course, if compelled to



adopt it, when they are informed of the fact, that out of some 18 or 19 Churches of this denomination in the city of New York, almost all are deeply involved in debt, and consequently, are illy able to afford a living support to their Pastors, insomuch that many of them only, as it were, breathe and don't live, whilst the Consistory, of Mother Church, grasps the enormous income of some \$90,000 per year, arising from Steenwyck and Harpendinck Legacies, devised by those good men to be ever applied to the *payment of the "Salaries of the Pastors of the Reformed Dutch Church in the city of New York, and to no other purpose forever."* But instead of applying it as sacredly enjoined upon them in said Wills and last Testaments, they make no matter of conscience to spend the great mass of it (excepting a small moiety paid to the Pastors of the Collegiate Church,) in building great huge Granite and Marble Palaces of Churches, for *their own accommodation and the accommodation of those good, pious individuals who may feel it quite convenient to slide past other Churches where they would have to pay a becoming sum for the purpose of furnishing themselves with suitable Churches for their accommodation, and thus fall in with the Collegiate Church.* And when said Consistory was memorialized on the impropriety of such mal-appropriation of said funds, by some 10 or more of the Pastors of the Reformed Dutch Church in this city, and were entreated in the most friendly and christian manner to consent to an adjustment of the annual proceeds of said Legacies, according to said last Testaments of the pious donors, and thus prevent the necessity of going to law before unbelievers, in the language of the Apostle: They were met with their stereotyped answer from the Collegiate Consistory, that "it was inexpedient to consent to any such compromise with them." And we were thus compelled, under a sense of our *high responsibilities to the Great Head of the Church, to the Church itself, and to ourselves,* to resort to the only alternative left us, viz.: to apply to Cæsar for redress in the premises, as they repudiate the right of Caiphas to interfere in the matter. And still you frequently hear the Pastors and members of said Church expressing their wonder and regret at the low state of religion in said Church in this city, while one should imagine that a moment's prayerful reflection on their part, would flash conviction upon their inmost souls, that their whole course of procedure, as to these matters. (many more of which might be mentioned if time permitted) is quite sufficient to stop up the windows of heaven above us, for a much greater length of time than the prayers of the Prophet Elijah did in the days of that Ahab who made Israel to sin. Nor are we to expect on Scriptural grounds, as I most sincerely believe, any general revival of religion, or refreshings from the presence of the Lord, as a Church in this city, until these Tithes are brought back again into the Store-house of the Lord, and are applied, as originally intended by the pious donors, viz.: to furnish bread for God's Ministers, in said Church, and the Collegiate Church adopt the plan that other Churches have to pursue, viz.: to build their Churches out of their own private funds &c. *just as expensively then as they please;* and then if the proceeds of said Legacies are once promptly and sacredly turned into *their legitimate channel,* we shall have an



ample support, with what the respective Churches would most cheerfully contribute for at least 50 *Ministers of the Gospel, to labor amongst the tens of thousands of worse than heathens in our great city, forming, as it does, an Epitome of the whole world.* And then, too, the magnificent *idea* formed by both Messrs Steenwyck and Harpendinck, in making said munificent Bequests, would be literally carried out, viz. : *Let the people furnish the means to build their own Churches in our connection in this city, and we will gladly furnish the means to support the ministry ; and then the rich and the poor can dwell literally together in our Zion, whilst they gratefully remember, with mutual thanksgiving, that God is the Maker of them all.*

Then shall there no longer be a disposition, as in the case now before this Reverend Body, in the rich Churches, to ride rough-shod over the more feeble ones, nor to use any longer the two Classis of God-dishonoring excuses, resorted to by the Collegiate Consistory, viz. : When an application comes before them from some poor and needy Church—" *Oh ! we are too much in debt ourselves ; it is inexpedient to do anything for you.*" But when any project of self-aggrandisement and lavish expenditure is brought up before them, then the other class of plea is immediately resorted to. " *Oh ! our coffers are overflowing, and we must make use of our funds.*" " *For then shall Ephraim not envy Judah, and Judah shall not vex Ephraim.*" In a word, then shall our God bless us. Then shall He make his Face to shine upon us ! Then shall He give us peace ! So much, then, in defence of this part of the offensive Document I left on the table of Classis, in reply to the hard speeches of Rev. T. W. Chambers, T. E. Vermilyea, and J. H. Hardenbergh.

And now, as to the other part of the offensive document complained of, which I left on the table of Classis, November 19th, 1851. I would say, in relation to this, that the result of this investigation has proved without doubt or gain-saying, that I could not have judged more correctly of the persons, and anticipated the result of these actions in the premises with greater certainty, if I had written the document referred to under the infallable ken of the Prophet, when he declared, with tears of anguish, to Hazael, the enormities which he should, at a future period of his life, commit upon the unoffending and helpless subjects of his Kingdom. And I will leave it to every candid mind in Synod whether this whole case, in the manner in which it was gotten up, as I stated in the Document referred to, and in which it has been conducted in Classis, and the result which the few members of Classis came to, does not bear a most striking analogy to the tragic case of Naboth and his Vineyard. And in calling the special attention of the members of this Reverend Body to this subject, I hope the Brethren will pardon me for using so frequently the name of this good old Israelite a lust, for whose pleasantly located and luxuriantly fruitful Vineyard, on the part of Ahab and Jezebel, cost him, for a time, his character, and afterwards his life. Mild and persuasive means were first employed by Ahab in order to induce Naboth to part with this inheritance of his fore-fathers ; but on his declining to accede to this proposition made to him by Ahab, not from any disposition to be unaccommodating to his Royal Sovereign, but from a high



sense of honorable feeling towards his Ancestors, the covetous Ahab grows sick and refuses to eat, until Jezabel, his guilty consort, learns the cause of his illness, and she being of different material from her sickly, whining companion, at once encouraged him to rouse up and be of good cheer, inasmuch as she would speedily adopt measures to procure him the possession of said Vineyard, the object of his heart's desire. Accordingly, she writes letters in the King's name to all the Elders of the land to proclaim a Fast or solemn Festival, and set Naboth up on high, and to hunt up false witnesses to accuse him of blasphemy and speaking evil of the King. The Fast or Festival is proclaimed—the Elders who were also the Judges in the premises, are assembled—Naboth is set up on high—False witnesses are suborned, and come forward to swear away the liberty and life of this innocent individual; upon which his lovely vineyard is immediately seized by the repacious monarch. But, brethren, he does not enjoy the possession of his ill-gotten gain long, before the announcement is made to them both by the man of God, in thunder tones, that God would requite this murderous transaction upon him, his infamous partner in guilt, and upon his whole family; and as God's judgments are not wont to slumber, nor his damnation to linger in such cases, it required but a short space of time until the fearful predictions announced to them by the Prophet, were literally accomplished in the most horrific manner, and they were all hurried, like Judas Iscariot, to their own place, to reap the endless reward of ill-doing. So far for Naboth, Ahab and Jezebel. Now for the analogy between them and this case, now occupying the attention of Synod. I succeed, after years of unremitting toil, to the official possession of the Pastoral charge of the German Reformed Church in the city of New York, in July, 1844, and said Church and myself solemnly and mutually pledge to each other to discharge the respective duties of a Pastor and a Church, until such connection be dissolved by death or mutual consent by the constituted authorities of the Government to whom we are amenable. This connection continues for years of the severest trials, which only serve to bind us more inseparably to each other, as a Pastor and a People, until within the last two years, when the object is broached by Dr. Hardenbergh, and the enquiry is made by him, whether I would not consent to sell the lots purchased in E. Twenty-third street for a new Church, for the People of my charge. To which I answered, unhesitatingly, No! A Fast, Festival, or something else, under the denomination of the Classis of New York, holds its sessions afterwards, and a committee is appointed by the President without any request of either myself or my people, to enquire into my relations to said Church, which investigation, after many annoying and vexatious attacks made upon myself and my relations to said Church, resulted in the most satisfactory settlement with both the members of the new and old consistory of said Church, (the latter being the persons designated by the Classis at its meeting at Yonkers, December 31st, 1850; the committee declaring the organization of said Church perfect as ever from its first connection with the Classis; and a report of the state of said Church, and settlement was delivered to, and accepted by the Classis, at its stated meeting in April, 1851; and here



the matter dropped. But at the meeting of Classis, Oct. 21st, 1851, the Junior Pastor of the Collegiate Reformed Prot. Dutch Church of New York, having already conceived the scheme a year before, and brought it forward in Classis, but not being able to get any one even to second it at that time, brought it up again before Classis in October, 1851. viz: to disband the German Reformed Church in the city of New York. And, evincing a much greater zeal than Jezebel herself in the former case, he was appointed, according to parliamentary usage, as chairman of the committee, and then does not content himself with merely writing letters, but addresses himself in good earnest to the work of going from house to house among the *members of said Church and others*, and gathers quite a large budget of falsehoods and slanders, which he delivers to the Elders of the People at the Fast, Festival, or the meeting appointed for this purpose November 18th, 1851, and the committee accompanying their report with a strong recommendation to Classis, to set up the Rev. J. S. Ebaugh on high, and prefer charges against him—1st. *On account of contumacy.* 2nd. *Giving in Annual Reports to Classis of more members in communion with the German Reformed Church in the city of New York than some think can be found residing in the bounds of said Congregation.* And 3rd, *of his having received pay in full for his preaching in Forsyth Street Church, and then bringing a suit to recover pay a second time for said services.* But at this point the analogy fails in a vital particular. For in the case of Naboth, the *Agents of Jezebel* brought forward two *substantial accusers, though they were false accusers*, who appeared in Court to make good the charges of *blasphemy against him, and of his having spoken evil against the King.* Whereas, in the present case, there is not a mother's son in the whole Classis who is willing to come forward, in the language of our Constitution, boldly, to father this vile progeny reported by the Committee, and to pledge themselves to prove those things alleged against me, and hence those members of Classis who were bent on having a sacrifice, appointed, and constrained the Revs. Van Doren, and Lord-like Simon of Cerene, to bear the Cross, against their will, to serve as a Committee to draw up and prosecute the above mentioned charges, and thus attempted to hide the actual accusers from view, and they vainly imagine that they can afford them protection from rendering any account of their conduct in the premises, either in the Court of Caiphas or before the Tribunal of Cæsar; although the Constitution of our Church stands violated to the present moment, as I have never yet had my accusers face to face. And hence, although I plead most earnestly in Classis to afford me this simple act of justice, guaranteed to us all by the Constitution of the Reformed Dutch Church of North America, and protested against the right of Classis to proceed without it, I was peremptorily denied my rights, and the sham trial was forced on, without any one coming forward to assume the responsibility of proving the things alleged against me, thus *leaving this vitally interesting part of the tragedy.* (as we live in a free country.) *to the members of Cæsar's household to adjudicate and settle.* But let us again proceed to tracing the striking analogy between *this case now before Synod, and the case of Naboth.*—In the



case of Naboth, you all remember that *Jezabel and all her guilty accomplices* in the prosecution and destruction of Naboth, kept back and hid far out of sight, the true object of arraigning, trying, condemning and *immolating poor but honest Naboth*; and for this purpose they took special care to herald abroad, throughout the land, that offences had been committed by Naboth against *God*, and against *Ahab*, as their *lawful sovereign*, at which their holy souls shuddered, and which could only be atoned for by the shedding of his blood, and the forfeiture of his life. And in order to carry their point against Naboth, they fix upon the convenient crime of *blasphemy, and speaking evil against the King*. I say *convenient accusation*, because if they had alleged the crime of murder or some tangible species of flagrant wrong doing, they well knew that the remains of the murdered individual must be brought to light, and the evidence of his being murdered by Naboth must be made out by at least two competent witnesses, in order to satisfy the community at large, of the justice of spilling the life's blood of the venerable head of a family in Israel. And hence the intangible crime of blasphemy and evil-speaking are the accusations tabled against Naboth—the very same crimes, as you all remember, that were afterwards brought by their legitimate successors in God-incensing wickedness, I mean the Sanhedrim in Jerusalem, against the blessed Jesus, viz: *Blasphemy against God, and in speaking against the interest of Cæsar*, and no sooner did they thus fasten these alleged accusations upon Him, than the High Priest rends his garments in pious horror, and has the alleged criminal conducted to the Bar of Pilate, where he is assailed by all the malice and subtilty of those demons incarnate, until they accomplish his death, in the most cruel and ignominious manner. Let us now proceed to show the striking analogy of Naboth's case in these particulars to the one now occupying the attention of this Reverend Body. And here I confidentially ask, who in this assembly must not be forcibly struck with the policy of the Committee of Classis, in fixing upon the equally intangible accusation against me of *contumacy and returning a greater number of members as belonging to the communion of the German Reformed Church of New York, than some of the members of Classis think belong to said communion*. And then in imitation of their ancient exemplars in bringing an alleged culprit to justice, these members of Classis, assume the air of *unwonted sanctity*, and a great concern for the interests of the *Kingdom of the Redeemer* and the *purity of the Christian Ministry*, and after spending some three weeks in Church visitation, between the closing of the testimony in this case, and the time for summing up; (in which, as the sequel showed, that whoever may have been profited by their pious efforts, they did not profit much themselves;) they come to the sage conclusion that I had committed crimes worthy of death, and accordingly proceed to sentence and execute me ecclesiastically, at the same meeting; and then at the same meeting, appoint a committee to make it their business to spare no efforts to take away my Vineyard also. So that you observe the great object of the whole crusade against me comes out by the winding up resolution in relation to my Church or Vineyard; and thus,



"*murder will out.*" And now let me assure this Reverend Body, that notwithstanding all the hue and cry which is sounded abroad by the Pastors and Elders of the Collegiate Reformed Dutch Church, and their few adherents in Classis, of my attempting to get up a false issue, in keeping the peculiar relations which I and the German Reformed Church sustain to the adjustment of the annual proceeds of the Steenwyck and Harpendinck Legacies; the facts, as Heaven knows, and as the Ministers of the Collegiate Church also know from indubitable evidence in the possession of the Rev. Dr. De Witt, transmitted to him from the Archives of the Synod of North Holland, are that this *High Dutch Church as it was originally styled when first organized in 1758, was composed of members of the old Garden Street, or Mother Dutch Church*, after the two branches of the same Churches, viz: Low Dutch and High Dutch had worshipped together for many years as heirs in common through their Pastors, to the proceeds arising from the Legacies of Steenwyck and Harpendinck, until the arrangement was mutually agreed upon between them, without relinquishing any of their inherent rights to said Legacies on either side, to organize those members of the Reformed Dutch Church in Garden Street into a separate Church, just as they had a few years before extended the Low Dutch branch of said Church, by building the Middle Dutch Church for their accommodation; so that both the High and Low Dutch Church might be better accommodated, by furnishing them with the preaching of the Gospel in the language most familiar to them respectively. For this purpose, such members of the Mother Church in Garden Street, as old *Messrs. Remmy, Windt, Zuercher, Whiteman, Meyer, and the father of the venerable Dr. Milledoler, and others.* were set off from said Church and organized into the *High Dutch Reformed Church* in 1758; and as such, were soon after connected in common with the *Mother Church, with the Classis of Amsterdam and Synod of North Holland.* And as such, also appeared by their *Delegates, consisting of Rev. Frederick Foering and Elder Henry Whiteman, in the General Convention of Ministers and Delegates held in 1771 and 1772, and aided in forming and ratifying the Original Constitution of the Reformed Protestant Dutch Church of North America, by subscribing their names respectively to said Document.* And from that time to the present, they have done no act to forfeit this relation to Classis or Synod, or to the above mentioned Legacies, as the minutes of the Classis of New York abundantly prove. But on the contrary, we have all along, and do yet, keep up a supply of preaching in the *High Dutch Language*, whereas the Mother Church, now by way of distinction called the Collegiate Church, has let the other branch, viz: *the Low Dutch preaching entirely run out.* And hence the very serious question arises in the minds of those deeply skilled in jurisprudence, whether the Low Dutch branch of this Mother Church, have not forfeited their claim to the proceeds of said Legacies, as they were dedicated in both said Wills and Last Testaments to the support of *Dutch Preachers, and consequently Dutch Preaching; and whether those proceeds do not innure solely to my support as the Pastor of the other original branch of said Church, in which Dutch preaching is kept up?* Now, in this connection, the



members of Synod must bear in mind, that *neither the Ministers, Elders or Deacons of the Collegiate Dutch Church, nor their Counsel well skilled in Law, are children.* And hence they undoubtedly look forward to such a peradventure which might be found in this case, and very prudently use every effort possible to get this Church and its Pastor out of the way, for the purpose of avoiding breakers, as the whole of this case, now before Synod, must make very evident to every impartial mind here present. And therefore, notwithstanding all their efforts to keep this favorite object from public view, let me assure you *one and all*, that hundreds and thousands of the *citizens in New York and out of it, understand this issue between these gentlemen, my Church, and myself, perfectly well*, insomuch that they cannot be duped by any pretensions on the part of any persons, that this procedure against myself and Church, arises from the pure and single hearted motive of keeping the ministry from the insinuations and attacks of unbelievers. And here I am conscious of having right on my side, and also the united encouragement of very many of the great and the good of various denominations of Christians, together with the community at large, in this city, to cherish and sustain me in my arduous undertaking, in common with others to procure an adjustment of the proceeds of the Legacies of Steenwyck and Harpendinck. Knowing as I do, that humanly speaking, upon its adjustment depends the *Life and Prosperity of the Reformed Dutch Church as a Denomination in this city.* And strange as the statement may appear to those here present, it may, nevertheless, be found true in the sequel, that the city of New York may be found more able and ready to spare the presence of all the present Ministers of the Collegiate Church ere this matter is all over, than the present humble individual addressing you. I say not this in the spirit of boasting, or as "setting down aught in malice," for I have no personal ill-will towards any one of them, but I say it, as relying on the majesty of that "*truth which is mighty, and must prevail.*" I thus dispose of the second specification of contumacy alleged to be contained in the concluding part of the Document I left on the table of Classis, November 19th, 1851, and in which, knowing the materials I had before me, and the individuals who took the prominent part in handling of them; and judging the "*tree by its fruits,*" according to the declaration of my *Divine Master.* I stated in said Document, in advance, *what was the design, who were the ruling spirits on the occasion, and what I had to expect from such a source, and the only remedy I would have left me.* All which has been fulfilled to the letter, and hence, if casting an eye over the field before me in the premises, and stating the truth in relation to these prospects and results, be contumacy, I confess that I am so unfortunate as not to be able to help it; for what in the Providence of God are thus joined together, neither the Ministers of the Collegiate Church nor all their adherents in or out of Classis can put asunder. And if this Reverend Body attempts to consider and act upon this case, now before them, as separated from the forgoing matters, they will do me, and the *Church, of which I have for years been the Pastor,* the very greatest injustice; as Heaven knows, that if I had taken no part in making efforts to have the Ministerial



Legacies adjusted, neither the Classis, nor the Synod, would ever have heard a single accusation brought up against me, but I might have been left like other ministers in this connection, to trudge along in the arduous labors in connection with my Church, unmolested by any of them.

I shall now pass on to canvass the few votes which were given in this so called trial, as also the persons who as members of Classis, set and acted, some of them as accusers and Judges in this case, after having been challenged to retire from taking part in this cause, once and again, on sufficient grounds of objection, to have ousted them from any jury box in our City or State, as the Synod will perceive that this resolution suspending me from the Ministry, Feb. 16, 1852, was passed by only 16 out of 42 votes belonging to said Classis, and by none but those very Ministers and their Elders that I had challenged at the commencement of this so called trial. except two, viz: Rev. Drs. Fisher and Marselus, some account of which two last named members will be forthcoming as we pass on in said canvassing.

But before passing on to this part of the task before me, I would remind this Reverend Body, that as you recollect, I drew a vivid picture of this case, before Classis, in the conclusion of my summing up, and warned and entreated the members of said Classis, to beware and keep their hands clean from ecclesiastical bloodshedding in this case, and to my great satisfaction, out of 42 members belonging to said Classis, 28 members took this advice, and availed themselves of the prudent convenience of being absent from the meeting of Classis, at the time this suspending resolution was enacted; evincing by this course of conduct, in a manner not to be misunderstood, that if the Ministers and Elders of the Collegiate Church, together with their few adherents in this case, were determined at all hazards to sacrifice me, they should at least have all the glory of it to themselves. Here follows the Charges:

Charge 1st, Specification 1st.—Contumacy in not meeting the Committee of Classis before we had received a copy of the Preamble appointing said Committee by Classis.. Specification 2nd.—In leaving on the table of Classis an objectionable document, Nov. 19th, 1851, and withdrawing from Classis without leave. Charge 2nd.—In returning a greater number of members as belonging to the Communion of the German Reformed Church, than some members think belong to it.

After deliberating, the following is the state of the votes on the Charges and Specifications, as also my reasons for objecting to some of them as partial Judges in the case: Dr John Knox voted to sustain both the Specifications of the 1st Charge. but remarked, that he could not conscientiously vote for the 2nd Charge; inasmuch as he was fully aware, that he, himself, together with his colleagues in the Ministry, and the Elders of the Collegiate Church, were in the habit of reporting more than one hundred more members as belonging to the communion of the Collegiate Reformed Dutch Church, than any of them could find, and hence he had his serious doubts whether this charge was made out. Dr. Thomas De Witt remarked, that he could not vote on the 1st Specification of the 1st Charge, but voted for sus-



taining the 2nd Specification of the 1st Charge, and also for sustaining the 2nd Specification of the 1st Charge, and also for sustaining the 2nd Charge, and that too after his senior colleague had just voted against said Charge, because, as he admitted, they were guilty of the same thing, viz: of reporting many more members than they could find in their communion. Dr. T. E. Vermilyea and Rev. T. W. Chambers, together with their two Elders, Messrs. Forrester and Mandeville, were prepared to exercise no such scruples of conscience, but were very ready to vote for sustaining *all charges and all specifications which were offered* for their consideration. Dr. Fisher, after canvassing the whole case in review with much ability, voted against sustaining the 1st Specification of the 1st Charge, and also voted against the 2nd Charge in toto; but like Felix, of New Testament memory, who "being willing to do the Jews a pleasure, left Paul bound;" he also being willing to show the Collegiate brethren a pleasure, voted for sustaining the 2nd Specification of the 1st Charge. And Elder Jacobus went the whole figure for sustaining both the Charges and Specifications; whereas, the other Elder of Dr. Fisher's Church, viz: Elder William Woram, who was also present during the trial, and is far better acquainted with all the circumstances of this case, if he had been the acting delegate of said Classis, he would have unhesitatingly voted for my acquittal on all Charges and Specifications tabled against me. Elder Westervelt being one of the members who endorsed the famous report of the Committee of Classis, voted consistently for sustaining everything. This is also the case with his Pastor, the Rev. W. R. Gordon, (*at that time President of Classis*), who voted for sustaining all the Charges and Specifications, thus showing a prompt determination to achieve at least a temporary victory over me, whether he should prove equally fortunate at Cæsar's Bar, in relation to the part he has performed in this case or not. But *the to me* singularly strange *sommerset* made by Mr. Gordon in this case, in relation to myself, requires a further word or two of explanation; as I have him to thank for the judicious advice to reduce to writing all my statements in my defence against the crusades against me, by certain members of Classis; and yet during the progress of the said, so called, investigation, I was all at once startled by finding him among the mighty men arrayed against me; nor could I unravel this, to me, profound mystery, until I was informed on the day after the resolution of suspension was voted against me, that his Consistory and himself, having sold their Church, corner of Houston and Greene streets, had formed the pleasing idea that they could persuade the Consistory of the Collegiate Church to furnish them with some \$12,000 to aid them in building a new Church in the Seventh Avenue, and I wondered not any longer, why my claiming any friendship from him, at any period, should prove so annoying to him in Classis, in the presence of his Collegiate friends, *with, and for whom he was doing such royal battle against me*. But, oh! how vain are all dependencies on men! For after all his loyalty to them, in this case now before Synod, that Collegiate Consistory had the cruel hard-heartedness to transmit to him and his Consistory, their stereotyped answer to very many of such applications, viz: *It is in-*



*expedient to grant the aid asked for in your petition*; and they were again set afloat upon the community at large to seek their wanted aid. Dr. Marselus, being the Relator in the Bill now pending in the Supreme Court, as the Court of Equity in this city, to procure an adjustment of the Ministerial Legacies, evidently found himself similarly situated to poor Peter when walking upon the water, and when he beheld the rolling surges dashing around him by which he became awfully alarmed for his own safety, he replied to a member of Classis, who put the question directly to him, "why he did not come out boldly and speak in defence of Mr. Ebaugh?" To which he answered, "That the Ministers of the Collegiate Church thought well of him, and he did not wish to incur their displeasure." And in order to retain this desirable place among them, he voted to sustain all the Charges and Specifications. Rev. A. R. Van Est being the grandson of the Master Spirit in managing the Ministerial Legacies for very many years, and *who in common* with many others, according to the written opinion of the late venerable Chancellor Kent, and many other barristers of renown, will be held personally liable for any and all monies not applied according to the injunctions of the Wills of Steenwyck and Harpendinck, voted as I anticipated, for sustaining all Charges and Specifications. This was also the case with his Elder, William R. Ross, who being an Elder of the Collegiate Consistory but a few years ago, and consequently is in the same category with the rest of the members, who have at any period composed the Consistory of the Collegiate Church, as to personal liability on account of misapplied monies of said Legacies, voted to sustain all Charges and Specifications against me, and thus proved my assertion in my answer to the Committee's Report and Charges, viz: "Like Priest, like People." But now comes in rotation my particular friend, Rev. J. C. Guldin, to whom I have had repeated occasions to refer already; and who, in accordance with all his movements towards myself, since he managed to lull his conscience by the opiate administered to him by the certificate signed by Drs. Knox and De Witt some years ago, so as to brace himself up, and refuse to give me the first dollar for the nearly four months constant preaching and laboring for him in the Church of which he is Pastor, although he received some \$300 for that very time, without preaching a sermon; and afterwards was ready to be the first to join in the cry! Mr. Ebaugh does not pay all his debts promptly; when Heaven knows he has been prevented from so doing just by such defalcations of others towards himself, as this one just referred to, as he has this day some \$4,000 outstanding and honestly due him for services faithfully rendered according to contract. And this is not the only instance of such financing on the part of this Rev. gentleman, as he is serving the Rev. Mr. Neander much in the same way, who has preached a whole year for him, and to whom he promised at least \$100, for the year's preaching, and spoke of it also from the pulpit years ago, but has never found it convenient to give him but some \$5 of the amount, and thus practically administers to him the exhortation, "Let patience have its perfect work." Consequently he, Mr. Guldin, is a very suitable person to vote for sustaining all Charges and Specifications against me, as also to readily



vote for my suspension on account of Ministerial delinquencies; acting on the universal principle, in poor fallen humanity, that men are ever ready to use all means to get a person out of their way, whom they may have been tempted to injure. But let me say to this Rev. gentleman, that when his conscience again wakes up, it will roar like a lion, and sting him like an adder, for the part he has, and is still acting towards one who has uniformly stood by him in times of greatest need.

Elder Grassel, (who came into Classis at the close of the trial, in place of Elder Vessallege, who having attended the Classis during this trial, absented himself towards the close,) on the principle just referred to, voted like his Pastor, Mr. Guldin, for sustaining all the Charges and Specifications. Rev. Mr. Lloyd, looking forward to the Collegiate Consistory for aid to sustain the enterprise called the Livingston Church, of which he is Pastor, and consisting of some 12 members, when organized last October, voted against sustaining the 1st Specification of the 1st Charge, but voted for sustaining the 2nd Specification of the 1st Charge, and also the 2nd Charge.

Rev. E. Van Aken, at great personal hazard, as I sincerely believe, came out fearlessly and vindicated the course I had adopted, in giving his opinion in review of this whole case, and at once voted for my acquittal from all the Charges and Specifications alleged against me. Stating as he did, at the same time, that knowing with whom I had to deal, I would have been an idiot, if I had not taken all precautions, and availed myself of my prerogatives in relation to this trial as I had done, and thus maintained the firm stand I had taken.

Elder, Hon. Judge D. P. Ingraham, for many years past, and also at present, President Judge of our Courts of Justice in this city, and consequently far more intimately acquainted with the mode of conducting such investigations as the present one, as also, as relates to the prerogatives of persons accused and put upon their trial than any other member of Classis, and being entirely independent of all parties in this case before Synod—entered with his usual ability and frankness into a review of all the testimony in this case, and in the course of his remarks, stated that Mr. Ebaugh being more practically conversant with the usages of Law, than others belonging to Classis, had only availed himself of his prerogatives in putting in his answer to the Committee's Report, and in the whole of his defence of himself against the Charges preferred against him; and that having in his deliberate judgment sustained himself fully against all these accusations, he must vote his for *acquittal from all Charges and Specifications in the premises*, and he also threw out the sage counsel, that the other members of Classis would do well to come to a similar decision, in view of this whole case, as it would be the far better way than to have it all go up to Synod, and then abide the consequences.

Rev. Dr. Van Pelt, another member of Classis, entirely independent of all parties in this case, in his reviewing the facts and testimony in this case, at length, and being advanced in years, and in practical experience in the Laws of both Caiphas and Cæsar, main-



tained the same positions taken by Judge Ingraham, and accordingly voted with a *clear and good conscience for my acquittal from all Charges and Specifications in the premises.*

Thus have we briefly canvassed the votes given on the aforesaid Charges and Specifications, and also mentioned a few of the facts connected with those few members of the Classis, viz: only 19 out of 42 who belong to said Classis, who voted on this occasion, which lead me to enter my objections against persons among them as being utterly disqualified to set as impartial Judges and Jurors on this trial, as some of them are the very originators of all this mischief; and together with others, are the very persons who passed from house to house in *my Church, and passed over to our sworn enemies of the Lutheran Party*, now called the Free and Independent German Reformed Church, in Forsyth street, and others. and thus raked up false accusations against me, some of which are acknowledged false by Classis itself, and the persons are held accountable for this high misdemeanor at another Tribunal, and yet these are the very individuals who, with others, have set in Judgment in the premises. And yet, from the ambiguous language in which the Preamble and Resolution of Classis are couched, the design is made as evident as the sun shining in his meridian splendor, that those individuals who drafted and passed said Preamble and Resolution of suspension, endeavored to cover over the fact that this act was passed by only *six Ministers and Elders of the Collegiate Church*, together with ten other Ministers and Elders, making only sixteen in all, out of forty-two members who belong to Classis; *almost all of whom* are much under the influence of the Collegiate Church; whilst it is as clearly evident on the other hand, that if the persons objected to, on good and sufficient grounds, had retired from this trial, it would have been easily settled by the other members of Classis, by being ignored by them as utterly frivolous and unfounded, or, if they should have accounted it at all worthy of their serious consideration, they would have come to the same decision of Judge Ingraham and others.

But this does not include all the objects of the sixteen members of the Classis in adopting such a subtle course, on the ungodly and unchristian principle that might makes right, but on the contrary, using as they do such a phraseology in their very pious Preamble and Resolution of Suspension; it is evidently calculated to lead the community at large, to conclude that I must have been guilty of some *flagrant crime* worthy of death, ecclesiastically, thus Jesuit like, to cover my character with infamy, and also involve my family and nearest and dearest relatives, (many of whom are of high standing in the Church and the community,) through me, in disgrace, in order to ride me down, and if possible to seal my doom in the higher Judicatories of our Church. For this purpose, as I have been credibly informed, they have spared no efforts in throwing out wholesale insinuations, black as midnight, against me, so as to prepare the minds of the members of Synod to confirm their doings in the lower Judicatory; whereas, I appeal to any and all the members of Synod, if I have used a single effort to bias the mind of any one among them, to act or vote in my favor in the premises.



I conclude the whole of this defense, therefore, by reminding the Synod, that I do not wish to attach undue blameworthiness to any one, but, "judging the tree by its fruits," as the Saviour enjoins upon us as meet and proper; the whole of this ecclesiastical tragedy has been brought forward, as all know, by the Rev. T. W. Chambers; who, *like Haman, of famous memory*, not by any merits of his own, either on the score of talent or acquirements, but rather through the influence of a near relative, by marriage, of high standing in the Church and community; together with some other personal friends, received a call to his present station, and after surveying and scanning the field around him, he comes evidently to a similar conclusion of the personage just referred to; and settles down in the opinion, that his present post, is highly elevated, and connected with many desirable emoluments, honors and advantages above many, *nay, all of his age*, in the Reformed Dutch Church; and who can dare to contest his right of pre-eminence, though a young man in said Church. But his whole course of conduct, in this case, has evidently manifested, by *deeds*, if not in so many *words*, the same spirit of the man referred to, viz: "*What availeth me all this, so long as Mordecai sets in the Gate!*" alias, what availeth me all my promotion to my present elevated station, and its advantages, so long as Ebaugh sets in the gate and is permitted to act out the design with others, boldly to call in question the propriety of the conduct of my colleagues and myself, and Consistory of the Collegiate Church, in relation to interests of vast importance in this city; and thus like Mordecai stands up with unbending firmness for the rights of his Ministerial Brethren, and through them, as the Legatees of said Ministerial Legacies, to defend the rights of the respective Churches in this city, of which they have charge. And hence the scheme is deeply laid after a whole year's cogitation over this subject, on his part, to uproot all Mordecai's, alias Ebaugh's *right, title and interest or lot in the matter*, by procuring his suspension, or hanging him up ecclesiastically on a gallows, fifty cubits high, and ordering a notice of this summary execution to be published at once in four of the principal ecclesiastical newspapers read in this city, so that the whole world may be put speedily in possession of the knowledge of what has become of the man whose temerity had led him to withstand the *great and mighty men with whom he, Mr. Chambers, is united*. But, as all subjects have at least two sides, this Reverend gentleman and his coadjutors in this tragedy, appear to have entirely forgotten that there is such a thing in this world, as *conquering when we fall*, and of going *from chains and imprisonment to places of high exaltation*. And in short, unlikely as appearances may indicate for the time being, that there is still a possibility of changing places, as to humiliation and exaltation with those very individuals who may at a certain period have scowled upon us with disdain. But, although my opponents appear to have forgotten such changes in this changing world, he who now addresses you, distinctly remembers, for his encouragement, that such instances stand out boldly on record in Holy Writ. And know-



ing, as I have repeatedly reminded those who have taken a part in the different stages of this trial, that as the God of Naboth, and I now add, the God also of Mordecai lives, I will cheerfully entrust this case, together with all my interest to Him, for his holy care and keeping.