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Steeley, John

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HISTORY

OF

ECCLESIASTICAL PROCEEDINGS

RELATIVE TO

THE THIRD PRESBYTERIAN CHURCH

IN PHILADELPHIA,

THE REV. EZRA STILES ELY,

AND

SEVERAL OF THE JUDICATORIES OF THE CHURCH
WITH WHICH THEY ARE CONNECTED.

“———But man! proud man!
“Drest in a little brief authority,
“Plays such fantastic tricks before high Heaven,
“As make e’en Angels weep!”

PHILADELPHIA.

.....
May, 1814.

PREFACE.

THE publication of the following facts and documents, is not an object of choice, but an imperious duty.

Not long since, a printed sheet appeared before the public (and was distributed with uncommon zeal and industry by some, who, as *judges*, in the cause still pending, have thereby sullied the purity of their moral characters as men, and as professing Christians) which contained some of the "*Decisions of the Presbytery of Philadelphia relative to the Third Presbyterian Church, UNACCOMPANIED by the Petitions, Process, and EVIDENCE.*"

It seems to have been the design of that publication, to prejudice the public mind, and especially, two Ecclesiastical Judicatories, before whom the cause may yet be argued and tried. The **WHOLE TRUTH** ought therefore to be promulgated, that the candid may judge for themselves.

The importance of the religious principles and privileges involved in the dispute, of which the following pages are a faithful history; the necessity of correcting injurious mis-statements, occasioned by the recent publication of a *part* of the subjoined documents, by some partial person; the desire to exonerate from all suspicions of turbulence, a much injured and much abused congregation; and the duty of defending an active and useful, but greatly persecuted minister of the Gospel; are the only motives which have induced the present publication.

It is, indeed, but little more than a collection of documents, connected by just so much narrative as will cause them to be distinctly understood: the whole of which can be proved on oath.

JNO. STEELE,
WM. M'CORKLE.

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A HISTORY

OF

Ecclesiastical Proceedings, &c.

IN the Summer of 1812, after Dr. Alexander had removed from Pine-street church to Princeton, and before Mr. Ely was known in Philadelphia, the greater part of the members of said church were disposed to invite the Rev. Dr. Milledoler, one of their former Pastors, to resume the spiritual charge of the congregation.

To ascertain if Dr. Milledoler might probably be obtained, some of the Elders wrote to him upon the subject, and several of the congregation earnestly solicited the Session to convene the people, that they might express their desires in relation to this candidate. Mr. M'Elwaine, Mr. Stuart, and Mr. Smiley, three of the Elders, were willing to gratify the congregation in this matter; but Mr. Haslett, Mr. John M'Mullin, Mr. Robert M'Mullin, and Capt. Benjamin Wickes, their four colleagues, refused to co-operate with the former. Some of the most respectable persons of the church consulted with some of the four opposers, who, now for the first time, began to promulgate the doctrine, that "the people had nothing to do in these matters," and that it was *the exclusive business of the Session* to procure supplies for the pulpit, and to ascertain when it was proper for the congregation to proceed to an election. In reply to such assertions, Mr. Finley, a venerable member of the church, told Mr. J. M'Mullin, that he conceived that he and the people had some concern in the election of a Pastor, and that the Elders were only entitled, in the choice of a spiritual leader, to such privileges as were secured by the constitution to every other legal elector.

The four Elders were inflexible, and their conduct so much displeased the congregation, that when the election for Trustees took place in September 1812, there was an effort made to prevent their re-election, as mem-

bers of that board, while their three colleagues were unanimously supported. All of the Elders had long been annually elected Trustees, until some of them seemed to imagine that the congregation were obliged to continue them in office, as a matter of right. Indeed, it had been well for them to have acted such a part as to have secured the continued confidence of their christian brethren; but at this election they scarcely retained their former office, and would certainly have been superseded by new candidates, had not some of the elders, who were equally displeased with their conduct, made influence with the people to spare them yet another year.

This was the *true cause* of division in the Third Presbyterian congregation, and from this time Messrs. W. Haslett, J. M'Mullin, R. M'Mullin and B. Wickes seem to have resolved, that they would not be pleased with any preacher who should please the majority of the people, but that they would rule the Lord's people with a rod of iron, even if they should lord it over God's heritage to their own destruction.

In justice to Mr. Ely, it must therefore be stated, and it is the general and expressed opinion of the congregation, that *he never has been the original cause of contention*; and had any other minister in his place, pleased the people, it is apprehended the same unhappy controversy would have subsisted between the four elders, and the constitutional electors of a Pastor and other assistant rulers in the church.

MR. ELY'S FIRST VISIT TO PHILADELPHIA.

IN the latter part of September 1812, the Rev. Ezra Stiles Ely, a member of the Presbytery of New-York, and then stated preacher to the Hospital and Almshouse in that city, made a visit, for the first time, to the city of Philadelphia. He came, in company with a friend, on an excursion for recreation; and it is believed arrived on the last day of the month. He was personally known to no more than three individuals, who were citizens; and one of these was *Capt. Benjamin Wickes*, whom he had repeatedly seen at the house and table of Dr. Philip Milledoler, of New-York; and to whom he had been introduced, as one of the Doctor's most intimate and pious friends.

It was natural that a stranger should seek the few acquaintances which he had; and Mr. Ely, of course, called on the Rev. J. J. Janeway, whom he had seen in a religious society, and afterwards on Capt. Wickes, to whose house he

was directed by the former gentleman. Capt. Wickes professed great pleasure at seeing his New-York friend, spoke of him in very flattering terms to some of the elders of the Third Presbyterian church, and on the evening of the 2d of October, persuaded him to address a little company of praying people, who were assembled in a house in South Front-street.

On the morning of the Sabbath following, Mr. Ely preached in Arch-street, for Mr. Janeway; and on the evening of the same day, in Pine-street, for the first time, at the request of Captain Wickes, who informed Mr. Ely that *he invited him at the desire of the Session.*

On the 5th or 6th of October, Capt. Wickes held a private conference with Mr. Ely, in which the former told the latter, that the Third Presbyterian congregation were much pleased with his discourse, and were desirous of hearing him as a probationer. He stated also, that the elders desired him to stay in the city for some time, that all might have an opportunity of becoming acquainted with his ministrations. Particularly he urged Mr. Ely to tarry until after Wednesday evening, at which time, he said, the elders had agreed to publish in the daily papers a notice, that Mr. Ely would preach again in their church. Mr. Ely replied, that should he be absent next Sabbath from New-York, three different congregations would assemble and be disappointed; and as to the advertisement of preaching, it might do for such men as Dr. ——— and Dr. ———, but not for himself. He did not wish the expectation of any people to be on tip-toe for him.

Capt. Wickes urged this measure so strongly, that he seemed to be displeased with a denial, and Mr. Ely said, "I hope you will not be offended, but I shall be out of town on Wednesday."

In the course of this visit, Mr. Ely and Capt. Wickes conversed freely about the situation of Dr. Milledoler, on account of some Hopkinsian opposition to him, and the probability of his removing from the New-York Presbytery, and of course from his charge. They communicated with each other also, upon the subject of the two vacancies in Philadelphia; and Capt. Wickes urged it as a *motive* for Mr. Ely to stay, that several of the people in Arch-street, and some of the elders, desired to hear him as a candidate for *their* pulpit.

Mr. Ely's Journal had lately been published; and on the Captain's expressing a wish to see it, the author pro-

nised to send him a copy by the first convenient opportunity.

Was it, then, indelicate for Mr. Ely to write to one whom we supposed to be a friend to Dr. Milledoler, upon subjects which Capt. Wickes himself had introduced? Was it immodest for one, *who had been invited, and urged to preach* AS A CANDIDATE, to communicate his sentiments by letter and ask a few questions? But let not the reader be detained from the far-famed "LETTER," which was circulated, in conjunction with one from Dr. Milledoler to B. Wickes, not only through Philadelphia, but through the clerical ranks of a neighbouring State or two, without the explanation which was afforded by other letters, with an industry which would have become the servants of Jesus Christ, in attempting to support, and not to blast, the reputation of a minister of the Gospel.

MR. ELY TO CAPT. WICKES.

New-York, 16th Nov. 1812.

My Dear Sir,

A worthy man, Mr. Etheridge, a friend of all good people, will hand you this letter, with a copy of my Journal, which you will please to accept in testimony of my respect and friendship for you. Any attention which you may pay to Mr. E. I shall consider as done to myself.

My dear sir, how is it with your part of Zion? It would have given me pleasure to have complied with your request,* but as it was, I think I performed my duty in returning to my many poor.

Dr. Milledoler is well. What I now say to you is for your private ear, and I say it without his knowledge; but I know his mind. He is unpleasantly situated here, because of Hopkinsianism, and I think will leave his present charge. There is some talk of calling him to one of the Dutch churches: but he has no greater attachment to any people than to you. Still he thinks, from his age and standing in the church, that he could be more useful to the church at large, were he to be successor to Dr. Green. That congregation, you know, has more influence in the General Assembly than any other. Now I can tell you his heart: *he would wish to be removed himself to Arch-street, and to have me removed to Pine-street.* With this you must not be offended, and you know Dr. M. too well to think that mere popularity could induce him thus to judge.

I have the honor of his confidence, and he often says "if I go to Philadelphia, I should wish you to go too."

Now my dear sir, I am not courting your people nor flattering man, but if God in his providence should open the door for all this, you

* This clause is evidence that Capt. W— had requested Mr. Ely to remain in Philadelphia and preach; for otherwise he would not have alluded to a former invitation.

might enjoy much of the society and hear much of the preaching of Dr. M. while he could fill a station which he thinks would enable him to honor his Master most.

I know not, however, but you and they may have been directed to some other men, before this, and perhaps you could not think of relinquishing Dr. M. May the good God guide you all by his counsel.

Please to present my unfeigned respects to your excellent wife, and all who may enquire after your friend in the Lord,

EZRA STILES ELY.

Capt. Benjamin Wickes.

MR. ELY'S SECOND VISIT TO PHILADELPHIA.

On the 13th of December, Mr. Ely visited this city a second time. This is the visit of which his opponents have said much, and for which they seem unable to account. They shall be indulged with the following information. Several members of the Missionary Society of Philadelphia were anxious to hear him preach again; and supposing it would be better to invite him to the city as preacher to the poor, than to request his presence as a candidate for one of the churches, they resolved to employ him as a missionary for three months. It seemed probable that this would be agreeable to him, because he was at the time preaching to the poor in New-York, without any stipulated support; and indeed, at his own charges.

This statement is supported by the following letters.

REPLY OF CAPT. WICKES TO MR. ELY.

Philadelphia, Dec. 9th, 1812.

Rev. Sir,

Your letter and book was duly received by the hand of Mr. Etheridge; for which I thank you.

Your confidential information laid me under such restraint, that until this day I have not found liberty to say any thing on the subject of your letter.

Last week Mr. Janeway was requested by the Missionary Society (of which I am a member) to invite you to this city. Last night we met in Session at Pine-street, and agreed to give you an opportunity to preach in Pine-street meeting as often as shall be convenient after you shall get among us.

Should it suit you to come, I think you would do well to bring a goodly number of your books with you. There is little doubt but they will be of ready sale.

* * * * *

(Signed)

BENJAMIN WICKES

REV. MR. JANEWAY TO MR. ELY.

Dec. 7th, 1812.

Dear Sir,

As Chairman of the board of managers of the Philadelphia Missionary Society, I am authorized to offer to you a mission to the destitute in this city and its vicinity, for the term of three months, or for a shorter time if you should prefer it. The compensation for your services will be at the rate of fifty dollars per month. Be pleased to let me know whether it will be agreeable to you to accept of this appointment.

Your's in our Lord Jesus Christ.

J. J. JANEWAY.

Rev. Mr. Ely.

Although this letter was dated on the 7th, and that of Capt. Wickes on the 9th, yet through some neglect it did not find its way to New-York before the last arrived. Both however, convinced Mr. Ely that it would not be improper to spend a few days more in this city; and he accordingly came, and before the 25th of December, which was the day of his departure, preached in different places nine discourses. He did not accept the invitation, because he deemed it his duty while he preached without the prospect of a permanent settlement, to continue with the poor in New-York, and because he had pledged himself, either to expend all his property in the cause of the Hospital and Almshouse before he would desert them, or else be the instrument of establishing a society for the propagation of the Gospel among the patients and paupers of those institutions.

During this visit, Capt. Wickes, Mr. John M'Mullin, and Mr. Haslett, treated Mr. Ely with attention, and he had good reason to suppose them friendly to him as a man and a minister, if one might judge from professions and external signs of respect. Capt. Wickes in particular professed a high regard for him and his preaching; and stated to him that the great portion of the congregation were pleased with his ministrations, and desired that he might become their Pastor. Capt. Wickes also gave him to understand, that the Rev. Dr. Samuel Miller, then of New-York, had excited some prejudices against Mr. Ely, by representing him to be a *great polemic*, and a person imprudently fond of religious disputation.

Mr. Ely was sorry to learn that this Rev. Doctor, of infinite suavity of manner, had carried his opposition against him to strange cities. Something he had expected; be-

cause the Doctor took the writer of **THE CONTRAST** aside one morning at the house of Dr. Milledoler, and asked

“*Are you going to publish your CONTRAST?*”

“Yes, Sir, it is in the press,” the author answered. He resumed, “*What! without shewing it to me! You may depend upon it you will repent it.*”

“What I publish, Doctor,” said Mr. Ely, “I expect to be accountable for, to the judicatories to which I belong. With much colour in his visage, Dr. Miller added again, “*You may depend upon it you shall repent it!*” The author concluded with asking him, “Would it not be well, Doctor for you to read it first?”

After this interview Dr. Miller called on Mr. Ely and said, that he had read a part of the **CONTRAST**, and was much better pleased than he expected to be; and that when he had read the whole he would give the writer his opinion on it. For this opinion, however, Mr. Ely never asked; nor was it not in November, 1811, in which were published the **RECOMMENDATIONS** of *seventeen ministers* of the Gospel, who are men of distinction in our country. In the May following, Dr. Miller convened in Philadelphia, what has been called a *Clerical Caucus*, in which he made an exposition of his belief, to prove that he was not a Hopkinsian. Mr. Ely had not accused him; but he took much pains to prejudice the minds of people against the author of the **CONTRAST**, who had at that time never seen Philadelphia.

Something therefore Mr. Ely had expected; but could he have imagined that so soon as he should preach in Philadelphia, Dr. Miller would write letters to his injury? There was a strange correspondence between some Reverend Doctors about this time.

This conduct in Dr. Miller will appear still more strange when the reader learns that the Doctor was the first person who suggested to Mr. Ely the propriety of writing on some of the principal tenets of the Calvinists and Hopkinsians.

On Mr. Ely's return to New-York, he was the bearer of the following letter, which was produced by Dr. Milledoler before the Presbytery of New-York, read, and ordered to be kept on the files.

CAPT. WICKES TO DR. P. MILLEDOLER.

Philadelphia, Dec. 23d, 1812.

Rev. Sir,

Mr. Ely intending to return to New-York to-morrow morning, I take the occasion to say, that as far as I have heard, he is generally

approved of as a sound Gospel preacher, but I find that Dr. Miller's friends here are prejudiced against him, for the opposition he has made against the Doctor's influence in support of the new system in New-York.—We have not had any one to preach for us since our vacancy in whom we are likely to unite; as to my own part I am little more than a cypher, but will, as far as I can, wait in observance of the readings of a kind and gracious Providence.

* * * * *

(Signed) BENJAMIN WICKES.

Immediately after Mr. Ely's return to New-York, the people of Pine-street church* (the Third Presbyterian church) apparently with one consent, expressed their desire that he should become their Pastor. On the 27th of December Mr. John W. Scott called on Mr. William Haslett to express his opinion of the wishes of the people, and to enquire if the Session were willing to convene the congregation. Mr. Haslett severely reprov'd Mr. Scott for his presumption; and now for the first time discovered, that he was no more willing that the people should elect Mr. Ely, than that they should elect Dr. Milledoler. The Session were not convened, which gave rise to this

FIRST PETITION.

TO THE MEMBERS COMPOSING THE SESSION OF THE THIRD PRESBYTERIAN CHURCH.

Philadelphia, 28th Dec. 1812.

Dear Brethren,

We the undersigned, as well for ourselves, as a great many others of the brethren of our congregation, would, with becoming deference to the officers of our church, request to be heard.

We have once more, by the dispensation of the great Head of the Church, been visited by a privation of no common kind. The removal of an eminent preacher of the Gospel of Jesus Christ, is no ordinary event to those who feel an interest in the prosperity of Zion. The weight of this consideration, as also the belief that the Hearer of Prayer is about to condescend to our united and individual prayers and return to us in forgiving mercy, is the cause of this address.

This impression on our mind is more strongly fortified, by having recently enjoyed the visit of an eminent servant of God to our city, the Rev. E. S. Ely, whose ministerial labours we understand, have been greatly blessed, and on whom the eyes of many are anxiously fixed, as a suitable pastor for the Third Presbyterian Church.

We must here pause to assure you, that in thus addressing you,

* Pine-street Presbyterian church, and the Third Presbyterian church, are synonymous terms.

we are free from any desire of dictating to you. Far be such a thought from us. No, Brethren; we are, on the contrary, impressed with an opinion, that ere now you would have laid this matter before the congregation had not delicacy interposed. One other reason for our preference of Mr. Ely results from his being entirely disengaged from any pastoral charge; and some of us are seriously of opinion, that no inducement whatever, should be sufficient to detach a pastor from his flock, where he is *usefully* and *comfortably* situated. A painful thought here obtrudes; may we not, in some degree, have been accessory to those melancholy deprivations, again and again experienced, from having been the means of depriving other congregations of their pastors? This, however, is a subject we dare touch but slightly.

Dear brethren, our earnest desire is, you would bear with us patiently; and by taking the foregoing under your immediate consideration, we hope you may be influenced by our request, to consider the propriety of taking the sense of the congregation on preferring a call to the Rev. Ezra Stiles Ely.

And in answer to *our* united prayer with *yours*, may the Father of Lights be with you by his Spirit in your deliberations, so that you may continue a blessing to the church, and promoters of the Glory of our God.

Signed on behalf of themselves, and others attached to the Third Presbyterian Church in Philadelphia.

JOHN H. BROWN,
CONRAD HANSE,
JACOB MITCHELL,
GEORGE BARCLAY,
JAMES WILSON,
JOHN W. SCOTT,
JOHN W. THOMPSON,
DAVID RAY,
W. B. DUFFIELD,
WM. DALZELL,
WM. NASSAU,
WM. BRYANT,
JOHN WORKMAN,
L. SAWYER,
CALEB EARL,
ROBERT TAYLOR,

D. SUTHERLAND,
WM. WRAY,
WILMAN WHILDON,
GEORGE PIERSON,
P. M'KELL,
CHARLES COLLINS,
WM. M'CORKLE,
SIM. TOBY,
JAMES MARTIN,
ROBERT CLARK,
JOSEPH ROBINSON,
JAMES CAMPBELL,
NOAH SIMONS,
WM. M'FARLAN,
B. STRATTON,
H. TUMBLESON.

The foregoing petition was presented to the Session on the 30th of December. The subscribers are some of the most respectable members of the congregation, and were entitled to more respect than they received from the majority of the elders. At this meeting of the eldership, Ferguson M'Elwaine, James Stuart, and William Smiley, were disposed to convene the congregation; but William Haslett, John M'Mullin, Robert M'Mullin and Benjamin Wickes objected to the candidate, because 'he was young, imprudent, of personal appearance not to please them, and

because they did not know why he left the congregation in Connecticut, of which he had charge, before he connected himself with the Presbytery of New-York.' To strengthen the opposition to the candidate, Capt. Wickes said, that he had received a confidential letter from Mr. Ely, which he would exhibit to Session, which was accordingly read. It was Mr. Ely's letter of the 16th of November. Mr. Smiley, in a very becoming manner, reprobated this breach of confidence at the time; and insisted that it ought to have no influence in preventing the convocation of the people, because if Mr. Ely was willing to come, he had only written that for himself, which a more cunning man would have procured some other person to have written.

To promote peace, if possible, it was, however, agreed to defer the convocation of the congregation, that those elders who pleased might take some pains by writing and otherwise, to ascertain more fully, the standing and character of the candidate.

On the 2d of January 1813, Mr. Ely was informed of the disclosure of his letter to Capt. Wickes, and of the objections made to his character by Messrs. Haslett & Co. A few days before this, Dr. Milledoler had been informed by Mr. Ely, that the latter had written to Capt. Wickes upon the subject of a probable removal, and had made some enquiries about the vacancies in Philadelphia; and lest it should be thought that Dr. Milledoler had desired his friend to write in his behalf, which he never did, Mr. Ely informed him of the transactions in the Pine-street Session, and expressed his regret that he had no copy of the letter to show the Doctor, that he might see that he was exonerated from any agency in making the communication.

After this intelligence was conveyed to Dr. Milledoler by Mr. Ely verbally, Capt. Wickes wrote to Dr. Milledoler; and although Capt. Wickes's letter gives not the name of his correspondent, yet Dr. Milledoler knew that it must be Mr. Ely from his previous information.

LETTER FROM DR. M'LEOD TO MR. SMILEY.

New-York, January 2d, 1813.

My Dear Sir,

I lose no time in making a reply to your letter of yesterday, this day come to hand. You are not mistaken in your confidence in me that I desire the promotion of Christ's kingdom, and take an interest in the movements of all the parts of the church of God.

In writing to you, sir, in whom I place similar confidence, I shall throw off all reserve, and leave to your own discretion to make such use of my communication as you may deem expedient.

Mr. Ely is well known to me. I have known him too, very intimately; and had I not thought him a man of superior merit, I should not have cherished or permitted such intimacy. He is, unquestionably, a young man of very handsome talents. His mind is naturally acute, and his literary endowments respectable. His composition is sprightly and sensible: but his publications are sufficient proof of his talents for composition. His habits of observation, and study, and writing, are also established; and promise, not only permanency but growth to his literary and theological character. He is, as a man, frank, friendly, and active—as a christian, he is pious, warm, free, and cheerful. His moral deportment is pure, and his sentiments are strictly evangelical. He is a Calvinist and a Presbyterian from conviction. And he cannot be often surpassed in self-denial, in condescension to the poor, or in any labour and toil.

His constitutional forwardness required, and hath received, correction. He has had his disappointments and his trials; and I would confidently anticipate, that when associated with the counsels of age and experience in the management of a congregation, he will prove not only a successful, but an able and discreet pastor. Such counsel he would require, and with you he might expect it. He is, in fine, sufficiently ambitious of honorable standing in society; but I mistake the man if he is not above the pitiful jealousy which repines at the elevation of others.

If you call him for your pastor, in Pine-street, may the Lord accompany him to you, and dwell with you together; and if you are, in Providence, directed to another fellow servant, may he prove to you still superior to the man of whom, at your request, I write.

With personal respect, and christian affection,

I am, dear sir,

Yours in the Gospel,

(Signed) ALEXANDER M'LEOD.

LETTER FROM DR. CLARK (OF BRUNSWICK) TO
MR. HASLETT.

New-Brunswick, Jan. 4th, 1813.

Dear Sir,

With regard to the character of Mr. Ely, I would much rather not have occasion to say any thing; and indeed it is little that I can say from any personal acquaintance, but I have reason to believe the opinion you have expressed of him in your letter is correct.

With respect to the part he has acted in the Hopkinsian controversy, or the reasons for his leaving his former charge, I know too little to feel myself justified in making any statement. But called upon, as I am, in the confidence of friendship, and by one who has no other view in doing it, than to guard and cherish the interests of an important part of the church of Christ, I will declare the deliberate convictions of my own mind, that from what I have seen and heard of Mr. Ely, there is about him such a manifest lack of prudence,

such a want of modesty and gravity, that were he ever settled in the charge of the Pine-street congregation, he would not be long the darling of the people.

He is young, and he has talents, and if the Lord has work for him to do in his vineyard, he will doubtless sift and try him till he is rendered a workman meet for his master's use. When that time comes, the churches will, I think, find him somewhat different from what he now appears to be.

Yours, &c.

(Signed) JOSEPH CLARK.

LETTER FROM DR. ROMEYN TO MR. STEEL.

New-York, Jan. 7th, 1813.

Dear Sir,

The question you desire me to answer, imposes on me a responsibility which I am not willing to assume. However, I will with perfect frankness give you my opinion of Mr. Ely, from which you may draw your own conclusions of his fitness to be your pastor.

For more than two years back he has been intimate in my family, and I have seen no cause to withdraw from him my friendship. He is a man of talents much above mediocrity, and possesses very respectable acquirements in literature. The character of his mind is readiness combined with acuteness, rather than vigour. His temper, as far as I have had opportunities of judging, is a good one, in the best sense of the word. He is diligent in the acquisition of knowledge, and faithful as well as laborious in the discharge of ministerial duty. Of his piety I have not the shadow of a doubt: and of his predominant desire to do good to the souls of men, he has given the fullest evidence, by continuing to preach in the Hospital and Almshouse for a pittance which has never half supported him, and in despite of the dislike which many in this city cherish and display against him. Indeed, his self-denial, devotedness, and engagedness in this work is such, as few men would ever consider their duty to display; and perhaps not one of those who are most opposed to him. He is, as you must have perceived, sound in his faith: indeed his attachment to orthodoxy has laid the foundation for the illwill he has experienced. With these excellencies of character, he is constitutionally indiscreet. His indiscretion, however, is the result of ardent feelings, and the want of mature judgment. He displays it oft times in conversation, and also in one or two of his publications. Of this indiscretion I have more than once apprised him, and have felt peculiar pleasure in seeing the readiness with which he received friendly advice. I have no doubt but that this fault can be completely controuled, if not overcome, by the counsel of age and experience. He is far from being obstinate, and does not merit the appellation of a *polemic*. If the men who dislike him had been treated as he has, they would in all probability have manifested a very different temper from the one which he has manifested. In short, my opinion of him is, that he is qualified to be a faithful, tender, conscientious, indefatigable pastor, ready in season and out of season to promote his Master's work: and moreover, with a discreet, enlightened Session, to avoid

the rocks on which he might otherwise shipwreck his usefulness, through his constitutional failing.

I have now written my opinion of Mr. Ely. You may make what use you please of this letter. Praying that the Lord may direct you, and the people of the Pine-street church,

I am, with great respect and affection,
Yours in the best bonds,

(Signed) JOHN B. ROMEYN.

In this place the reader may attend, if he pleases, to an extract from a letter of Capt. Wickes to Dr. Milledoler, given in evidence before the Presbytery of New-York, and bearing date "*Philadelphia, January 8th, 1813,*" which he will find in the report of the TRIAL before the New-York Presbytery, which will be found in a subsequent part of this book. The letters of Capt. Wickes were not disclosed by Dr. Milledoler, until he was cited to appear and produce them before the Presbytery of New-York; and then he gave only such extracts as he deemed relevant to the case. The letters, however, were evidently designed to obtain, if possible, some accusation of Mr. Ely.

LETTER FROM THE REV. MR. MATHEWS TO MR. QUEEN,

New-York, January 12th, 1813.

Dear Sir,

As you wished, I have spoken to Dr. Mason respecting Mr. Ely, and send you our united opinion. It is this—That Mr. Ely is a man strictly orthodox, zealous in his work, and maintains a conversation well becoming his profession. He has, in this place, for a considerable time, made sacrifices, for the sake of giving the Gospel to the Hospital and Almshouse, that few of those would be willing to make, who value themselves highly for their *disinterested benevolence*.

Yours with respect,

As ever,

J. M. MATHEWS.

On the 13th of January, the Session of Pine-street met, and read the preceding letters from Dr. M^rLeod, Dr. Clark and Dr. Romeyn, together with some extracts from a letter of John Mills of New-York, to William Haslett, which has "some how or other, been *mislaid!*" Dr. Clark had never it is believed, seen Mr. Ely, excepting once in a private house, and at two sessions of Synod. These gentlemen had scarcely any acquaintance with each other; and were not a duty to "tread lightly on the ashes of the dead,"

few strictures might here be made on the impropriety of attempting to give any man's character who is unknown to the writer.

At this meeting, three of the Elders still desired to convene the electors of a Pastor, but the four, who had formerly objected, were now inveterate in opposition. To please themselves and displease the congregation, they resolved to invite Dr. Neill, of Albany, to visit them as a candidate. It was objected by the minority, that five weeks ago Mr. Haslett and his friends opposed the invitation of this same Dr. Neill, and now introduced him to baffle, and if possible divide, the people. Under these impressions, the minority informed the majority, that the same persons who objected to Mr. Ely, had very lately opposed the wish of the people to recall Dr. Milledoler, and they were now determined to maintain the rights of the constitutional electors, for they could find no opposition to Mr. Ely, which was not made by four of the Elders.

Dr. Neill, however, was invited, and the people patiently waited for his answer; because they still retained much regard for the opposing members of Session.

LETTER FROM THE REV. DR. MILLEDOLER TO CAPTAIN
WICKES.

New-York, January 13th, 1813.

Sir,

In your letter of the 8th January, you inform me that Mr. Ely has written to you under date of Nov. 16th, as follows.

"Dr. Milledoler is dissatisfied or unpleasantly situated where he is, and wishes to be removed to Arch-street as successor to Dr. Green."

I hope, Sir, that you have given no publicity to those lines, as I can assure you, that I had no knowledge whatever, of Mr. Ely's writing such a letter, nor have I the most distant recollection of ever having expressed such a wish to him or any other person living.

If you should have communicated Mr. Ely's letter, it is my particular and earnest request, that you will counteract the impression it has calculated to produce, by an immediate counter statement.

Whilst writing the above, Mr. Ely called at my house. I thought it my duty to read to him that part of your letter which contained the quotation from his. Mr. Ely declared it to be incorrect, and that his letter to you contained no such words.

(Signed) PHILIP MILLEDOLER.

To this letter Captain Wickes replied, that he had not introduced Mr. Ely's name, &c. which occasioned the subsequent

LETTER FROM DR. MILLEDOLER TO CAPT. WICKES.

New-York, January 18th, 1813.

Sir,

It is true, that in your quotation of Mr. Ely's letter, you did not name him as the author. It is equally true, "that I had no knowledge whatever of Mr. Ely's writing such a letter," that is to say, I had no knowledge of it whatsoever, either before or from the date of his letter of November 16th, till within two or three days of the reception of your letter containing the quotation.

He then called upon me, and intimated that he had written a letter, proposing me to yourself as a suitable minister for Arch-street church. For doing this, I reprov'd him on the spot. I had no idea however, from the information he then gave me, nor till the reception of your letter, that he had written in a style so very exceptionable, as it appears he has done.

I should, indeed, be very sorry that any person, either in Pine or Arch-street, should suppose me capable of such imprudence, and want of modesty, as that letter of Mr. Ely's would intimate. I therefore request, as in my letter to you of the 13th, that if such a report is in circulation, you will do me the justice to counteract it. You have, sir, repeatedly asked my opinion of Mr. Ely as a suitable minister for Pine-street church. From my silence on that subject, you will have perceived that it is my wish to decline all interference. Mr. Ely is a public character; if the congregation is not satisfied with their present knowledge of him, either as a minister or a man, they can invite him to spend more time with them, and judge for themselves.

There is one expression in your last letter, which I am bound to notice. You say you are sorry indeed, that you have lost my good will: This sir, is a mistake, as I certainly wish both you and your's all possible good.

With due respect,

I am sir,

Your obedient servant,

(Signed) PHILIP MILLEDOLER.

Before Dr. Milledoler put this letter into the Post-office, he called at Mr. Ely's room, that he might read it; but he being absent knew nothing of it, until it was gone, when the Doctor exhibited to him a copy of it, in the evening.

Mr. Ely had no copy of his own letter to Capt. Wickes; but, on the next day, having ascertained what Dr. Milledoler had written, he made a statement of his view of the purport of his letter, and of the conversation, which occa-

sioned the correspondence between the Doctor and Capt. Wickes.

On the same day, also, was forwarded the following

LETTER FROM E. S. ELY TO MR. JOHN STEEL.

New-York, Jan. 19th, 1813.

My Dear Sir,

I have the pleasure of acknowledging the reception of two kind letters from your pen and heart. I thank you for a copy of the Petition, and must say, that I think it very much in the style of a christian* Address; but those who injure others, can never forgive them for being injured, and will rarely like those who befriend the objects of their unreasonable opposition.

Had I a Call from you in my hand, I should not wish to accept it, for two reasons; 1st. because I do not wish to leave New-York; 2d. because many in Philadelphia would think that I had courted popularity and place. I had rather be honorably poor, than ignobly rich; and I may say, that God has taught me both to want and to abound. Should I, however, receive a Call, and should I think it my duty to accept of it, I should not be deterred by four or five men. They ought not to rule the majority of a christian congregation. By the grace of God, I should either preach them into obedience and affection, or I should preach them out of the way. It would be no terrible affair if they should betake themselves to some other church.

My advice is this. Be pleased with Dr. Neill, and be unanimous in him, if you can. If you are not, seek to win Mr. Haslett, and *two other persons*, brothers; but if this cannot be done, ask Mr. Wylie, what good Presbyterians ought to do? Perhaps he or Dr. Wilson could be a mediator between the members of your Session.

What could be done to alienate Dr. Milledoler from me, has been done; but we are still friends. Last night he read me copies of his two letters to Capt. Wickes, which I suppose the Captain will produce before Session. I was sorry that he sent them before I saw them, or before I presented to him, as I did this morning, the following

Statement.

"Dr. Milledoler read me an extract from Capt. Wickes's letter, purporting to be a *quotation* from my letter to Capt. W—, from which Dr. Milledoler gathered, that I had represented him as dissatisfied with *the people of his charge*. I replied that I had made no such representation, had never insinuated that he was unpleasantly situated with his own people, but had written, that he was unpleasantly situated on account of Hopkinsianism. This was in relation to the Presbytery, and his other more extensive relations; but there never was, to my knowledge, any disagreement between Dr. Milledoler and his peculiar charge.

"Moreover, I said that the words read from Capt. Wickes's letter were not a quotation, for they were not the words which I had used

* Capt. Wickes, in a letter to Dr. Milledoler, complained that Mr. Ely had been the occasion of a very *disorderly* address to the Session.

in their connexion, and that they did not convey the spirit of my letter, for I can say that my letter was dictated by love and respect for Dr. M."

* * * * *

Certainly I confess myself liable to form erroneous opinions, and when I wrote Capt. W—, I verily believed every word which I wrote; but as I thought, and still think, I exonerated Dr. M—— from the imputation of even knowing * that I gave my opinion to one whom I firmly believed his friend. That I should have entertained an erroneous opinion about the thoughts of a friend, I regret; but surely it was no crime to judge inconclusively.

The Doctor says, that his mind has never been in such a state, that *he certainly knows* † that he should have accepted a call from Arch-street, had it been presented. I now believe him, and think that my former opinion was erroneous. Yea, I must now think that I did not understand his heart so well as I thought I did. ‡

My respects, &c.

EZRA S. ELY.

Mr. John Steel.

On the 4th of February, the Session convened again, and were informed that Dr. Neill would be at the General Assembly in May following, when he would preach, but could not consent to visit Philadelphia before that time.

At this meeting the same Elders who had formerly accorded with the wishes of the congregation in relation to Mr. Ely, were disposed to invite a Moderator to preside in the election of a Pastor; but the four others gave them to understand, that they would never do this, until they were satisfied with the candidate, which would never, they said, be the case with Mr. Ely. The three in opposition to the four, maintained, that the members of the Session, in the election of a Pastor, had only a single vote each, and that the Session had no constitutional right to obstruct the choice of the great part of a christian congregation.

The majority of Session desired the minority to use their influence with the congregation, to give up the present candidate; but as he was the choice of three of the elders, as well as of the mass of the people, they declined.

* In Mr. Ely's letter to Capt. Wickes, in the very beginning of his remarks, he stated that he wrote without the Doctor's knowledge.

† At this time there was some probability that Dr. M. would be removed to one of the Dutch churches in New-York, and on account of his relations, and the situation of his property, he would have preferred New-York to any other city.

‡ The Doctor was not bound at this time to disclose his secret feelings, so that Mr. Ely may have been erroneous in his judgment of the state of the Doctor's heart in more instances than one; or he may not have been erroneous at all.

This conduct of the Session was deemed so objectionable, that twenty members of the church met the same evening, and agreed to ascertain, more incontestibly, the sense of the electors of a Pastor, by presenting another petition to the Session. The following is

A COPY OF THE SECOND PETITION OF THE PEOPLE TO
THE SESSION.

Philadelphia, 5th Feb. 1813.

We, the subscribers, pew-holders in the Third Presbyterian Church of Philadelphia, do respectfully request the Session of the said church, *forthwith* to solicit "the presence and counsel of a neighbouring minister in preparing a call," (agreeably to the form of government in the Presbyterian church of the United States of America) to the Rev. Ezra Stiles Ely, as Pastor for the congregation.

Signed by 173 Pew-holders.

A Counter Petition was handed about by Mr. Haslett and his friends, in which they requested themselves to relinquish Mr. Ely, and turn their attention to some older and more experienced man; but after going through the congregation, *to petition themselves*, they obtained so few subscribers that they consigned their petition to darkness.

They circulated also a petition *to themselves* to delay, for a time, and obtained five or six names; but on the 18th of February, the petition of the congregation came before them. The following is

THE REPLY OF THE MEMBERS OF SESSION.

"At a meeting of the Session of the Third Presbyterian Church, held in the church on the 18th instant, [February 1813] a communication was presented by the Moderator, addressed to Session, and signed by 173 members of the congregation, requesting Session to call a meeting of congregation, &c.

"The above mentioned communication was taken into consideration, and, on motion

"Resolved, That the further consideration of the subject be postponed for the present, and that the church be open for the admission of candidates, until the first of June next; and that then the Rev. Mr. Ely be written to by Session, and requested to come as a probationer for three months, and that a reasonable compensation be offered him for his services."

"Certified by J. M. Mullin, Clerk."

Two of the three friends of Mr. Ely consented to the above compromise, because they entertained the hope; that

it would secure the return of peace ; but one deemed it a practical dereliction of the right of a people to elect a pastor when they are prepared, without the Session's being pleased with the candidate, and therefore entered an affectionate but spirited protest against this infringement upon the liberties of the church.

The foregoing extract was delivered to a Committee, previously appointed at a meeting of the leading persons who had petitioned the Session. This committee reported it to the next meeting of the petitioners, who were unanimously of opinion, that, as constituents of the Presbyterian church, their constitutional rights were infringed, and their privileges violated. They were persuaded, that when a respectable majority of electors desire a congregational meeting, the members of Session ought not to refuse to be the organ of a regular convention, by the invitation of some moderator. It was determined, therefore, to try the principle upon which the elders had acted, before the Presbytery ; and although two of the elders who were friendly to the candidate desired by the people, had entered into the compromise, yet the petitioners were not the less disposed to ascertain by what authority any Session can refuse to convene the electors of a Pastor, when the majority of said electors express their desire to be constitutionally assembled for an election. With this view, the petitioners appointed Gen. John Steele, Samuel Carswell, Esq. Mr. John Workman, Mr. John W. Scott, and Mr. John Steel, a committee to prepare an address to Presbytery, on the subject of grievance, which should be, in a popular sense, a *protest* and *remonstrance* ; and which should be presented, if the Session did not recede from the ground which they had assumed. Of these proceedings the Session were duly notified by a committee ; and refusing to accede to the wishes of the congregation, were furnished with a certified copy of the intended application to the Presbytery ; to which four of the elders replied by a counter address.

While these things were pending, however, and before the meeting of Presbytery, a pamphlet was clandestinely emitted from the press, replete with virulent abuse of Mr. Ely, and designed, if possible, to prevent him from ever making a third appearance in Philadelphia. It is understood that a copy was sent to him, moist from the printer's hands, with a superscription not unlike the hand writing of William Haslett. One thing is ascertained, however, which tends to show who was probably the author of that infamous

attack on the candidate.—Mr. Haslett asked a gentleman of this city, *if he had received his copy*, with a very intelligible intimation that he had directed one to his friend. But how should Mr. H. know to what persons copies were directed; when others could not find in what place they were printed or could be obtained.*

The same charges made against some of Mr. Ely's publications, and the poems attributed to him, which are contained in this pamphlet, will be found reiterated in *the book!* which Mr. Haslett laid before the Presbytery in defence of the session.

Long before this public attack was made on Mr. Ely, he was disposed to decline being considered as a candidate; but his most judicious friends in New-York advised him to remain in silence upon this subject, because the people of Pine-street were, with a few exceptions, united in him, and were contending for an important principle, which lies at the foundation of ecclesiastical liberty.

When he was informed that the Session were to invite him for three months, he was determined not to comply, and thus end the matter, so far as it concerned himself. He wrote to this effect to some of his friends; but when his character was publicly assailed, by the circulation of publications and letters to his disadvantage, he was convinced that his ministerial character must, for a time, live in Philadelphia, in spite of every aspersion and assassin-like attempt, or he must bid adieu to the hope of usefulness in the church for ever.

The people of Pine-street continued to receive fresh testimonials of the worth of their candidate; and were more deeply convinced of the duty of contending for the right of electing a pastor. That the history may be natural, the documents are given according to their dates.

A LETTER FROM JOHN E. CALDWELL, ESQ. TO MR. STEEL.

New-York, Feb. 23d. 1813.

Dear Sir,

I have received your letter of the 16th inst. requesting me to give you my opinion of the Rev. Mr. E. S. Ely, and also the general opinion of the pious, orthodox laymen in this city, respecting his qualifications to edify a large body of professing Christians.

* It is believed, from the similarity of the type, that Mr. H.—'s pamphlet was printed at the same office which executed the Presbyterial documents; the publication of which has rendered this work absolutely necessary.

I will cheerfully endeavour, as far as practicable, to comply with that request.

I believe Mr. Ely to be a sincere lover of our Lord Jesus Christ, and animated with fervent zeal for the salvation of his fellow men.

For upwards of two years past, I have had the satisfaction of witnessing the most unequivocal evidences of his devotedness to the cause of our Redeemer, manifested by an extraordinary perseverance in the most self-denying ministrations to the poor, the wretched, the sick, and the dying, in our Hospital, Almshouse, and other places: without any fixed salary; but depending on precarious voluntary contributions of individuals, in no one year amounting to any thing like a sufficiency for a decent support:—consuming by degrees the small substance he brought with him, when he came here, and finally reduced to sell his books to procure the necessaries of life:—still resolved, without any prospect of being provided with an adequate maintenance, to continue to labour in this neglected part of the Lord's vineyard, where his ministrations were likely to be useful; humbly trusting to the divine promise, that "his bread and his water should be sure," and that the Lord would "give him souls for his hire."

Mr. Ely's talents for preaching are certainly respectable, and, in my opinion, far superior to those of the majority of young men, who, within a few years past, have come out in the ministry, that I have had any acquaintance with.

I believe him to be well acquainted with experimental religion, and capable, with the divine blessing, of fulfilling this important part of the ministerial office with acceptance, and to the edification of a Christian community.

He is, in doctrine, strictly orthodox, according to the Westminster Standards, which are those of our church; and which I believe to be agreeable to the word of God.

His disposition is amiable, and his general deportment affable, engaging, and calculated to gain the esteem and affection of those with whom he may associate.

I have never heard of any impeachment of his moral character.—He has, indeed, been considered indiscreet in some of his publications, but as they are before the world and speak for themselves, my opinion respecting them would be superfluous.

Upon the whole, I do think, that with a Session composed of men of piety, prudence and experience, Mr. Ely is well qualified to take the charge of a large congregation in such a city as yours, and likely, with God's blessing, to be a faithful and useful pastor of the flock of Christ.

How far my opinion of Mr. Ely coincides with that of the pious, professing laity of this place, is a question somewhat difficult for me to answer, and involves some delicate considerations which preclude as ample and precise a detail in this matter, as it might be satisfactory to you to have.

There are certainly some pious laymen, who do not think as favourably of Mr. Ely, as I think he deserves. I consider it improper for me to state what I conceive to be the principal cause of this opposition to him. But this I know, and can state without hesitation, that

his friends are daily increasing, as he is better known, and his opponents diminishing.

The following fact will enable you to form some idea of the estimation in which he is now held, by a large and respectable portion of the professing Christians of this city.

Since the publication of his journal, three or four months past, it became evident that his usefulness had been too little known, and his disinterested and arduous labours too little appreciated; and that it was a disgrace to the Christian character of our city, that he should be allowed to depend on such precarious and scanty contributions as he had hitherto done. In order to remedy this deficiency, in December last, a society was formed for the purpose of securing a permanent support to the preacher of the Gospel, among the destitute in this city, with a view to the stated employment of Mr. Ely in a more independent manner, and one more worthy of his noble devotedness to this labour of love. A subscription was opened for this purpose, and the expectation held out to the subscribers, when applied to, of employing Mr. Ely. The result gave ample testimony of the high sense generally entertained by the pious of this city, of Mr. Ely's past services, and of his deserts. In a very short time about one hundred and fifty subscribers were obtained, contributing annually from three to forty dollars each, amounting to upwards of fifteen hundred dollars a year, for this object.

There were but three or four applied to, who refused to contribute on account of Mr. Ely's being the person intended to be employed; and one of these has since expressed his regret for having so done, and has offered to become a contributor.

None of the clergy were applied to.

The above, is as much as it occurs to me to be proper to say on this occasion. Should any thing more be wanted, please to inform me of your wishes, and I will endeavour to satisfy them.

If this can be of any use to you, or to those with whom you are connected, in forming your opinion respecting the propriety of calling Mr. Ely, you are at liberty to make such Christian use of it as you may consider advisable and necessary.

* * * * *

I am, with affection in the Lord,

Yours, &c.

(Signed) J. E. CALDWELL.

Other favourable testimony concerning the character and talents of Mr. Ely, was received; but the object is to present chiefly those papers, and those alone, which have become Presbyterian documents, by being read and admitted as evidences either in the Presbytery of Philadelphia, or in that of New-York, or in both.

AN ADDRESS

TO THE REV. THE MODERATOR AND MEMBERS OF THE
PHILADELPHIA PRESBYTERY.

Rev. Sir and Brethren,

The undersigned, in behalf of themselves and others, members of the third Presbyterian Congregation of the City of Philadelphia, respectfully represent, that the Congregation, with, we trust, an anxious and honest solicitude for their Spiritual welfare, desiring as early as possible to repair the loss sustained by the translation of the Rev. Dr. Alexander, have endeavoured to make a selection from the number of Probationers and Ministers, which God in his Providence has allowed to visit them; and have, we believe, with ordinary unanimity, been prepared to elect a pastor. But with sorrow we state, this laudable endeavour a majority of our Session has frustrated, by the assumption and exercise of a power in our opinion unwarranted by the Constitution of our Church, and, we presume, without precedent in any other congregation under the Presbyterial jurisdiction.

The exercise of a power so novel and alarming, we conceive better calculated for people and regions not favoured with that unequalled measure of religious and civil liberty, with which we are blessed by Almighty goodness.

Here we can enjoy the benefit of our Divine Master's command 'not to call any man master on earth,' in matters where the soul's everlasting well-being is at stake: therefore, this power, assumed by the Session as a right, has excited in our minds sensations proportioned to the violence offered to the legitimate rights of the people, as well as no small degree of apprehension for the future liberty and prosperity of the Presbyterian Church.

Under these affecting impressions, and with the view of obtaining such explicit definition of the powers of the one, and the rights of the other, as will hereafter prevent a collision, no less detrimental to piety than to our peace and tranquility at present, and may, if not seasonably corrected, prove equally so to others; we feel it to be a duty that we owe to ourselves, as well as to our brethren at large, respectfully to lay before the Rev. Presbytery, this our Protest and Remonstrance against the unwarrantable power assumed and exercised by a majority of the Session, in the following particulars.

1st. On the 28th Dec. last, a respectful Address, signed by 32 members, was presented to the Session, requesting the Congregation to be convened for the purpose of ascertaining how far the people were prepared to elect a Pastor.

This request was treated by the Session with a neglect; if not bordering on contempt, at least as little calculated to cultivate and cherish the social affections, as to reciprocate that degree of respect which it would not have detracted from the dignity of the Session to have paid to the opinions and wishes of their fellow-worshippers.

2d. On the 5th February, the Session was again addressed by 173 Pew-holders in the Congregation, explicitly requesting the people to be convened for the purpose of electing a Pastor.

This request, though tendered by numbers unequivocally demonstrating that the people were prepared to elect, was nevertheless refused by a majority of the Session (four against three) not only as we believe in violation of an express duty on their part, but also of the rights and privileges of the People, thereby treating with contempt the judgment and opinion of their brethren, and arrogating to themselves exclusively the right of determining in a case wherein they possess no higher claim, or incur no higher responsibility, than any other member of the Congregation.

Having thus briefly laid down the ground of the grievances of which we complain, we offer, if necessary, in support of the facts stated, Messrs. Ferguson M'Elwaine, James Stuart, and William Smiley, and request to be heard by Gen. John Steele, Messrs. Samuel Carswell, John Workman, John Steel, and John W. Scott, whom we have deputed as our Commissioners to lay this our Protest and Remonstrance before the Rev. Presbytery, and to prosecute the same to issue, confidently hoping and relying, that under the direction of the great Head of the Church, such decision will be had, as will place the powers of the Session within legitimate bounds, afford permanent security to the rights of the People, and promptly restore the wonted peace and tranquillity of the Congregation.

[Signed by 30 Members,]

Philadelphia, March 22, 1813.

**THE COUNTER ADDRESS OF FOUR ELDERS TO THE
PRESBYTERY.**

The Rev. the Moderator of the Philadelphia Presbytery.

Rev. and Dear Sir,

In attempting to justify our conduct before Presbytery, we must beg your indulgence while we advert to some of the circumstances which have led to our present unhappy situation.

Some time in December last, the Rev. Mr. Ely of New-York visited this city at the request of a private member* of the Third Presbyterian Church, and remained with us about ten days. He left the city on or about the 25th of that month, and on the Sabbath following, (27th) one of the members of the Session was called upon by a member of the congregation, † during the interval of worship, who expressed much surprise that the Session had not been con-

* Capt. Wickes, an Elder, has subscribed this assertion: but turn back to Mr. Janeway's letter, and to the Captain's of December 9th, 1812, and you will find who invited Mr. Ely to Philadelphia. *This same Wickes, IN THE NAME OF THE SESSION, invited Mr. Ely to preach. Yes, and this same Wickes escorted Mr. Ely to Church repeatedly, in the course of the ten days. But!—but!—“pity the sorrows of a poor old man, whose trembling” tongue and pen can hardly tell the truth.*

† Mr. J. W. Scott, since ordained an Elder, called on Mr. Haslett, and introduced the subject with mildness and respect; but Mr. Haslett treated him and his application with great disrespect; he-

vened for the purpose of calling the congregation, and promoting a Call to Mr. Ely. An intimation was given at the same time, that so intent were some of the members of the congregation on the immediate accomplishment of this object, that on finding the Session were not called to meet, they at first intended to call the congregation without the knowledge or approbation of Session. This, however, he said, was over-ruled, and it had been agreed that Session should be waited on forthwith.

The Session were called to meet on the 30th of December, (see their minutes) for the purpose of considering the general interests of the church, and at this meeting an Address was presented, signed by thirty-two members, the object of which was an immediate call of the congregation for the purpose of choosing Mr. Ely as our Pastor.

The Session, having found that much pains had been taken, and some management used,* in obtaining signatures to the above address, and conceiving the procedure altogether irregular, and calculated to produce uneasiness and division, concluded that, under existing circumstances, and from a certain knowledge that some were warmly opposed to Mr. Ely,† it would not promote the interest of

cause, forsooth, the Elders were to decide, (by their own *intuitive knowledge*, it is supposed,) WHEN a Congregation is sufficiently pleased with a Probationer to elect him!

* This story will be found in most of the productions of these four militant Elders. The Address to which they allude, was drawn up by Mr. John Workman, and in the same afternoon, in which it was written, almost every name was obtained. The subscribers are certainly men of sense, and generally of the first standing in the congregation. Who could have used the *management*, or who could have been duped? Certainly it is not very politic in the four Elders, to represent their brethren, the subscribers, as a set of knaves and fools! If the signatures were obtained by legerdemain, it is strange, that all the subscribers, except three or four, should have remained the active friends of Mr. Ely to this day. Two of the thirty-two subscribers, having been called upon, and remonstrated with, by some of the Elders, afterwards took no active part in favour of the candidate or against him. They are gentlemen of amiable manners, somewhat advanced in life, and thought it prudent to remain the silent friends of the candidate and the people. Another subscriber, Mr. L. Sawyer, (who, with one other, are the only male communicants in the whole church, who have taken any active part with the four Elders,) was a friend of Mr. Ely at first; and expressed his hope to Mr. Ely himself, that he would soon become his Pastor. Whether any *management* was used, to attach Mr. Sawyer to the Elders, is left for Mr. Haslett and him to decide; but great exertions were used to disaffect others, which proved futile. As to the irregularity of the procedure,—why, it was “irregular, and calculated to produce uneasiness,” for the American Colonies to petition, respectfully, the British ministry: and it is always deemed irregular for the injured to seek redress of petty tyrants.

† No evidence has ever evinced, that any person was, at this time, opposed to Mr. Ely but William Haslett, and his neighbour John

the congregation, to comply with the request of the members who had signed the address. Session, however, unanimously agreed to adjourn until the 13th of January following, and meanwhile to procure what information they could, respecting Mr. Ely's character, standing, &c. &c.

On the 13th of January 1813, the Session met, agreeably to adjournment, and several letters were read, from gentlemen in high standing in New-York, &c. Two letters, which had been procured from the particular friends of Mr. Ely, although they in general spoke of him in terms of high approbation, yet they both seemed to admit, that there was one exception, and particularly mentioned his want of discretion and prudence.* Other letters refused saying any thing about him, and it was stated as a fact, from which we are left to judge of his popularity in New-York, that since his residence in that city, there had been five vacancies in the Presbyterian and Dutch Churches, and, it was generally believed, Mr. Ely had never been viewed as a candidate for either.†

From the subsequent proceedings of Session, at this meeting, we think it may be fairly inferred, that they were *unanimously* of opinion,‡ that it was prudent to suspend any further proceedings in relation to this candidate, for the present. Their views, however, will be best understood by a recurrence to their minutes, by which

M'Mullin, together with R, M'Mullin, and Benjamin Wickes, who at first avowed themselves to be warm admirers of the candidate.

* Drs. Romeyn and M'Leod, profess to give a full length portrait of their intimate friend, Mr. Ely; and, surely, if any two ministers in Philadelphia were to write, as freely as they have done, their opinion concerning a third, no minister of this city would appear more unexceptionable in his fame. What! is Mr. Ely faultless? Yet his most intimate acquaintance have declared, that they can find only one fault with his general character; and Dr. M'Leod, being asked by Mr. Smiley, what he meant by "*imprudence*," in his letter, said, in presence of several members of the church, that he intended nothing more than such a frankness and candour in expressing his thoughts, as ninety-nine persons out of a hundred, would deem a virtue, rather than a fault.

Let subsequent events shew who is most *prudent*,—Mr. Ely, or some of his clerical opponents.

† Why do not the four Elders give their authority? If this objection were true, it would be nothing against Mr. Ely, or the right of the people to elect him. Would these gentlemen say, that because a person had never been invited to settle, therefore he never ought to be? The objection is not true, however; and, if this were the place, it might be proved, that the church, of which Mr. Perrine is now Pastor, was at first collected by the gratuitous preaching of Mr. Ely, who declined their strong solicitations to remain with them; and that while Mr. Ely had as many friends among the most pious people of New-York, as any other young preacher; he had, nevertheless, a few secret, but bitter, clerical opponents. Did one of these give a statement of the *five vacancies*?

‡ This is an inference from no sound premises; for the Elders had agreed, for peace sake, to defer the invitation of Mr. Ely, until June, and keep the pulpit open in the mean time, for other candidates.

it will be seen, that by an *unanimous* vote of all the members of Session, it was agreed, to write to *Dr. Neill, of Albany*, requesting he would pay us a visit during the winter.

This appeared a happy prelude to peace and reconciliation, and it was confidently believed and expected, would tend to promote harmony and unanimity in Session, and (through their influence) in the congregation.

On the 4th of February, the Session were called to meet, to hear Dr. Neill's reply to the invitation given him, which was as favourable as could have been anticipated, excepting as to the time of his coming, which he stated would not suit his convenience before May. Whatever may have been the cause, or however the impression might have been made, the report was circulated throughout the bounds of the congregation, that Dr. Neill would not come, and that all expectations from him were at an end. In conformity with this report, a meeting was immediately held at a private house, by some of the congregation, and Committees appointed to obtain signatures to a paper, requesting the Session *forthwith** to solicit the attendance and assistance of a neighbouring minister, &c. &c. in preparing a Call to Mr. Ely. We are constrained, (although reluctantly) to state here, that some of the congregation who signed this paper, were entirely ignorant of the object it contemplated, and when they understood its real design, wished their names stricken out,† and expressed their disapprobation of the whole proceedings.

The Session, finding that pains had been taken to represent matters in a light at once incorrect and unfavourable to their character, as officers in the church, were induced to visit the congregation pretty generally, in order to ascertain the wishes of the people, and correct the statements which had been made; and the result was, a full conviction, that had the congregation been left to their own choice, and not been stirred up, by those who had made themselves conspicuous, by their zeal for Mr. Ely, the congregation would have quietly waited, until the information necessary had been obtained, and then, cordially acquiesced in whatever measures were best calculated to promote the interests of the congregation. In this visita-

Since therefore, Mr. Ely could not be obtained until that time, the three Elders, who wished that gentleman to become their Pastor, were willing to hear Dr. Neill, or any other supply; and had they, with the people, been better pleased with him than Mr. Ely, they would have been in favour of his election.

* This word *forthwith*, seems to have created great offence; and the four Elders represent it, again and again, as a high indignity offered to their sacred office of supreme rulers in the Church.

† It is true, that among the 173 petitioners, were found some of the *relatives* of John and Robert M'Mullin, who, after the *real design* was expounded to them by those men, expressed their disapprobation of the whole proceedings. It was stated no doubt to them, that the people, by calling and settling Mr. Ely, intended to rebel against the authority which God and the Constitution had given to the Session; and that the *real design*, of all the petitions to the Session, was to turn Mr. Haslett, Capt. Wickes, and the M'Mullins out of their office.

tion, we found there were a number of respectable members who were opposed to, and others who never had made choice of Mr. Ely as their Pastor, and among these, some whose signatures had been obtained, without knowing what the paper contained, having neither read nor heard its contents.*

Matters had now become truly serious, and peace seemed to have fled our precincts. It was at this eventful period, that a neighbouring minister, † availed himself of his influence with both parties, to propose some mode of reconciliation, which might be the means of restoring us to wonted harmony. A specific proposal was made, and after some alterations and modifications, it was agreed to, at a meeting of Session, 18th of February, (See minutes) by all except one member of the Session.

We were now once more cheered, with the pleasing hope of better prospects, and we considered this compromise, as including a complete cessation of all hostile measures, on the part of the congregation, it having been entered into, with the knowledge and approbation, of some of the leading members in opposition to Session. We soon found, however, that in this, as in many other instances, we had been disappointed. Some time in March, we were informed, that a meeting of twenty-three members of the congregation had taken place, at the house of one of the members, and that they had requested the Moderator of Session, ‡ to call a meeting, to afford them an opportunity of being heard by a committee appointed for that purpose. The Session were accordingly convened on the 26th March, and the committee appeared, and made a verbal communication, the purport of which was to criminate the Session, and a desire to know whether Session would submit to them, or adhere to the ground they

* Who were these unhappy persons? Nobody could ever learn their names; and no more than two or three persons, who were intimately connected with some of the four Elders, expressed any regret at having signed the offensive petition; and their names were very cheerfully erased. These accusations against intelligent people, come with a bad grace from men who went through the congregation to oppose Mr. Ely, and then were ashamed to give the number of names which they could muster. Let them count, and tell the number of their supporters, if they dare. They will not equal the number of their cousins.

† The overture concerning the agreement to invite Mr. Ely to preach as a probationer for *six* months, came from the Rev. James P. Wilson, D. D. And his mediation perhaps, produced the final agreement for half that time.

‡ It is to be remarked, that "*the Session*" spoken of in all the documents of these four Elders, is nothing but the Eldership convened without any constitutional organization; and that the "*Moderator*" spoken of, is not a Minister, required by the Form of Government, but the oldest person among the members, who being associated with a Pastor or Minister, would be a regularly constituted Session.

had taken.* The answer of Session will be found in their minutes, to which Presbytery will please refer.

We beg leave now to state briefly, some of the considerations which have influenced our conduct under the foregoing circumstances. And

First. We consider the connexion between a minister and a congregation, as one, with which the peace, the prosperity, and the best interests of the church, as well as the happiness of individuals, are nearly allied. We are therefore of opinion, that great deliberation and care ought to be observed by those, who are intrusted with the management of the spiritual concerns of the church, in the view of establishing this connexion.†

Secondly. We are of opinion that Session, having the best opportunities of ascertaining the qualifications and standing of candidates for a particular Church; when they have reason to doubt either, in any particular instance, it is their duty (and no evil can result from the exercise of it) to wait till some degree of satisfaction can be obtained in this very important concern.‡

Thirdly. We are of opinion, that for an individual member of a congregation to proceed precipitately in the choice of a candidate,

* This is their representation of the conference, which took place in relation to the first address to the Presbytery, when the committee, in behalf of the congregation, solicited the four Elders to comply with the wish of the people in procuring a Moderator for the election.

† Those who are entrusted with the spiritual concern of choosing a Pastor, are the Congregation. The Elders in no one place of the Constitution, or the Bible, have the weighty matter of choosing for the congregation of the Lord devolved upon them. Elders are only *helps* to the ministry in government, and not electors for the people. In the Form of Gov. ch. iv. their office is defined. It is this; to exercise government and discipline, *in conjunction with pastors or ministers.* This is the whole of their duty as Elders, so far as their authority is derived from the Bible; but the Presbyterian form of government, for the purpose of having elections conducted in an open manner, has required them, as being some of the leading members of the Congregation, to be the organs of the people whom they represent, in convening the legal electors of a Pastor. See Form of Gov. ch. 14. sec. 1.

‡ If the Elders were constituted chief judges, they ought to act as such; but in the Christian Church, the people who are to be instructed have a right to choose their teacher, and all their rulers. "In this election no person shall be entitled to vote, who refuses to submit to the censures of the church, regularly administered; or who does not contribute his just proportion, according to his own engagements, or the rules of that church, to all its necessary expences." Form of Gov. ch. 14. sec. 3. These are the only persons who are excluded from the right of suffrage by the Constitution; and those who are to elect, are the only suitable judges when *they* are prepared to elect.

§ Pray, gentlemen, what individual member has done all this? Why do you not speak out, like men, state propositions and prove facts? Insinuations, instead of facts, appear miserably on the face of public documents.

and especially to stir up quiet and peaceable members to become of their party, and to oppose themselves to the officers of the Church, is alike irregular and improper; and to this cause we may fairly attribute our present unhappy disquietude. We have in this unpleasant business, had many and grievous charges alledged against us, and Presbytery will notice some of them mentioned in the remonstrance presented to them. We are charged with the "assumption and exercise of a power unwarranted by the constitution." With "treating the congregation with a neglect bordering on contempt," &c. With "arrogating to themselves the exclusive right to determine in a case wherein they possess no higher claim, or incur no higher responsibility, than any other member of the congregation." These charges, with many others, have been reiterated throughout the bounds of the congregation. To all of which we plead *not guilty*.

In reply to the charges preferred against us, before your Reverend body, we beg leave to state, that we have never wished to assume or exercise a power, nor to arrogate to ourselves a right, not warranted by the constitution of the Presbyterian Church. We have acted in the present case, according to the best of our judgments,* after taking much pains to come at the truth; and we could not have acted otherwise, without a violation of the dictates of conscience. We have, we believe, proceeded in this business with great seriousness, and prayer to God for his direction and guidance; and the aspersion of having treated any part of the congregation with contempt, we view as wholly unfounded. The Presbytery will recognize the sentiments which have given rise to this unpleasant business, in the second charge, in which we are accused of "arrogating to ourselves exclusively, the right to determine in a case, in which we possess no higher claim, or incur no higher responsibility, than any other member of the congregation."†

* Let it be seen then, how these men will act, when it shall appear in evidence that the people, with the exception of the opposition excited by themselves, are united in the candidate. Mr. Ely, they well knew, was in as good standing in the Presbyterian Church as any other minister, and if they could not impeach him before his own Presbytery, ought they not to have assembled the people immediately after the trial before the Presbytery?

† In the election of a pastor every voter incurs a responsibility proportionate to his knowledge and standing in society. An Elder is but a single voter, and if a bad man should be chosen he would be answerable, or censurable, or praiseworthy, for no more. Any man of equal respectability and information with an Elder, would incur an equal responsibility to mankind and his Maker. But if four Elders set themselves up as the guardians of God's people against themselves, and assume the right of determining when the electors may, and when they may not, elect a Pastor for themselves; if the four Elders can prevent the settlement of a minister by the election of the congregation, why then, no doubt the doctrine, that all voters of equal powers are equal, must be highly obnoxious to their High Mightinesses.

It has been in this way, that the power of Session, as a Church Judicatory, has been set at nought, and the equal authority of individual members of the congregation advocated.

The Session have had no other object in view, throughout the whole of this business, than the promoting the peace of the church,* and preventing the spread of discord and party views; and their declining an immediate call of the congregation, arose from a full conviction that, in our present state and temper of mind, it would have been attended with unhappy consequences. And having already, by the unanimous vote of Session, *written to* Dr. Neill, they felt themselves *bound* to wait a hearing of that gentleman. And although a majority of Session, and many respectable members of the congregation, are decidedly opposed to Mr. Ely; yet, when a peace measure was proposed, one of the conditions of which was, that Mr. Ely should be invited to preach for us, as a probationer, at a distant period, (if in the mean time we were not suited,†) Session promptly agreed to this condition, on having a well grounded assurance from the minority of Session, (one member excepted) that all further proceedings (as far as their influence extended) on the part of the congregation, would cease. We are sorry to say, this part of the agreement has not been complied with.

We cannot omit stating to Presbytery, that we have reason to believe that a very considerable change in the views and sentiments of the Congregation, has taken place in relation to the candidate in question.‡ It is worthy of notice that, at their last meeting, although printed notices were distributed in every part of the congregation favourable to their cause, only twenty-three persons attended; and the charges now brought forward, we observe, are not signed by many whose signatures had formerly been obtained. We therefore cannot but hope, that a large proportion of the congregation have, on reflection, withdrawn their names and their support, and that they have been, in some degree, apprized of the danger of opposing the regularly constituted authorities of the Church of the Living God, who is jealous of his honour, and has never failed to uphold the meanest of his servants in the conscientious discharge of their duty. And, although the officers of the Church are exposed to the same

* By the peace of *the Church*, they must here intend the will of four men in opposition to the choice of nearly a thousand worshippers.

† This clause was no part of the agreement, and the four Elders well knew, that the great portion of the people would inevitably adhere to their choice of Mr. Ely, unless they could contrive to disparage him and alienate his friends. With this disposition it seems evident that they entered into this agreement, and they lost no time after the compromise, but went immediately to almost every considerable member of the church, and by exhibiting letters, making insinuations, and proclaiming that the powers of all Sessions were in danger, endeavoured to turn the minds of the people against the candidate. If they publicly deny these things, they shall be proved by the testimony of many witnesses.

‡ Let the facts which shall in future be recorded, serve as a comment on these opinions and assertions.

charges now which were formerly brought against the Leaders of the Jewish Church, *'ye take too much upon you,'* still we believe that those who honour God, and are honestly engaged in the service of his church, he will honour and support.

With great respect, and due deference to the decision of Presbytery,

We are, Reverend Sir,

By order of the Session,

(Signed)

BENJAMIN WICKES,
ROBERT M'MULLIN,
JOHN M'MULLIN,
WILLIAM HASLETT,*
Committee.

BEFORE PRESBYTERY.

TESTIMONY ON THE SIDE OF THE REMONSTRANTS.

MR. STUART.

Mr. Stuart stated, that after they became vacant as a Congregation, a gentleman from New-York, viz. Mr. Ely, happening to be in this City, was invited to preach by Capt. Wickes. He preached to the acceptance of a number of the Congregation, though not of all. Soon after preaching to them he returned to New-York.

In a consultation with Dr. Wilson, on the subject of obtaining a pastor, a Mr. Slemmons was recommended to them. He was invited and heard, but was not generally acceptable to the people. Some of the people requested of Mr. Stuart to prevail on Session to invite Mr. Ely to visit and preach for them again. Mr. Stuart spoke to several members of Session on the subject, but not concurring, no invitation was sent. The Missionary Society, as the witness understood, was to write for Mr. Ely, and a number of the Congregation designed to write to him also, to encourage him to come on, that they might have an opportunity of hearing him. Mr. Wickes called on Witness to learn Mr. Ely's address, that he might write to him, as he thought Session

* That is to say, *by order of us four, we appoint ourselves a committee to talk about ourselves in the name of the Session.* Let their appeal to the honour of God, however, be seriously considered; and let it be seen how God will dishonour these men for the disservice which they have done his Church.

would incur blame for not inviting him. Capt. Wickes, as Witness understood, did write, and Mr. Ely returned, and told Witness that it was at the instance of Capt. Wickes, that he came. He preached several times, and attended one evening at a religious society. There a great portion of the people appeared pleased much with Mr. Ely, and many expressed a desire that the Congregation should be assembled by Session to make out a Call. Witness knowing some of the members of Session to be unfavourable to Mr. Ely, he wished those expressing a desire to call Mr. Ely, to speak on the subject to those whom he knew not to be favourable. Witness thinks it was on the Sabbath after that Mr. Ely preached to them, that one of the Session requested the Session to tarry after sermon, and then mentioned that a member of the Congregation had called on him in the interval of public worship, and, in a very unbecoming manner, had complained that Session had not on that day called a meeting of the Congregation to prosecute a Call. And at this time Witness knew of no one in the Congregation opposed to Mr. Ely, but some individuals of Session.

At this time took place a conversation in Session, as to what would be the duty of Session. From the conversation it appeared that three of Session were disposed to convene the Congregation for electing a Pastor, and four against. Hitherto no regular record had been made in presence of Session; but from this time a moderator was chosen, and records were regularly made in Session of important matters. About this time complaints were made to members of Session by members of Congregation, that the calling of a congregational meeting was postponed. Witness had conversation with his brethren of Session, on the reasons why they did not wish a meeting called. The brethren told him that they had not information of the prepared state of Congregation. The Witness asked persons who complained of delay, why they did not converse with other members of Session. One replied that as he had been roughly treated, he would rather that a written request should be sent to Session. Then came the written request, signed by thirty-two members of Congregation, to have a congregational meeting called. The paper being read, the moderator of Session asked the members, who were in favour of the request and who were not; when it appeared that three were in favour, and four were not. Immediately after, one of the majority moved an indefinite postponement of the

subject. The moderator begged Session not to be precipitate, as no request was made for an immediate call of Congregation; but one of the majority said they would have nothing to do with it, and would not comply with it. Moderator wished time for deliberation, but majority determined against it. So Witness understood the decision. The Doctrine was then avowed by the majority, that they had a right to be satisfied with the man, before they would call the Congregation together. Witness is uncertain whether it was previously, or after this time, that Session agreed to write to persons at New-York, to learn Mr. Ely's character, though he is inclined to believe it was after this time. Letters were received from a number of persons at New-York, and at a meeting of Session some were read. The contents were differently construed by members of Session. Minority supposed them favourable to Mr. Ely; Majority, that they were unfavourable. About this time a disposition was discovered by the minority to accommodate matters. The minority proposed that Dr. Neill, should be invited to preach on probation, and agreed to, and Mr. Haslett was directed to write to him. After some time an answer was received, and minority concluded from it that Dr. Neill would not become a candidate. New indications were given of the people's disapprobation at the Session's conduct, stronger than at any former time. Pious members of the Church were very desirous that measures might be devised to heal the breach. Witness states, that the people appeared willing to conduct peaceably, and discovered nothing like violence. Witness and a member of Congregation, consulted with Dr. Wilson, and Dr. Wilson advised that Mr. Ely should be invited to preach for three months on probation. It was agreed. Dr. Wilson immediately attended to this matter, and afterwards a plan, somewhat different, was proposed. But previously, Witness proposed to one of the majority to call a meeting of Congregation, and engaged if there were not a large majority, he would side with majority of Session, and try to prevent a Call to Mr. Ely. Witness states, that afterwards it was proposed that the pulpit should be open to Candidates till after the meeting of General Assembly, and that, if no person should offer to unite the people, Mr. Ely should be invited to preach for three months, and agreed to by Session with one dissenting voice. At this meeting the petition of 173 Pewholders was presented. When the people found that the minority had entered into this compromise, they were

displeased, and some told Witness that he must know that he had sufficient knowledge of the Congregation being prepared.

Witness stated that he believed the Signatures of the 173 to the Petition to be fairly obtained, but he had nothing to do with it. Majority tried to prevent persons from signing the Petition.

After this, the Remonstrance was presented, and Witness on enquiry was given to understand that the persons concerned do not intend to violate the bargain made in Session. This remonstrance was presented to Session, and Session appointed Commissioners to appear before Presbytery, and one of the majority to attend as a delegate to Presbytery. Witness states that the ground taken by the majority in all official conversations was, that they had a right to prevent a meeting of the Congregation, although it was the deliberate wish of a majority of the people to have a meeting called for electing a Pastor, until they were satisfied with the candidate's qualifications.

Question by Gen. Steele.—Was there an interview between the Session, and persons appointed by some of the Congregation, before the remonstrance was presented?

Answer.—Yes, and the persons asked, whether Session intended to maintain the ground which they had taken, and majority replied they would. Witness said, one of the majority said, he thought they stood in place of God!

Question by the same.—Did the Committee request Session to call a meeting of the Congregation, or did they merely enquire, whether Session intended to maintain their ground?

Answer.—The latter.

Question by Mr. M' Mullin.—Were not the Session nearly unanimous in favour of the Rev. Mr. Slemmans, and did not you know, that many of the Congregation concurred in a favourable opinion?

Answer.—In conversation, members of Session appeared to like him, but not his manner, and one member of Session said, he knew, respectable persons in the Congregation did not suppose he would suit the people. So far as witness could learn, he thought the people divided.

Question by the same.—Did I not say, that though I was in favour of Mr. Slemmans, yet, I said, that if the congregation were not well united, we ought not to urge the matter?

Answer.—Witness could not distinctly recollect.

Question by Mr. Haslett.—Do you not believe, that at one time, there would have been a large majority in favour of Mr. Slemmans?

Answer.—I cannot say so, because there appeared a liking and a disliking of the man.

Question by Mr. M^r Mullin.—Do you not recollect, that when the petition, signed by thirty-two members, was presented, the record was then made in presence of Session, and that a moderator was chosen after this meeting?

Answer.—A minute was made in presence of Session, but I do not recollect, that a moderator was chosen after this.

Question by the same.—Were not minutes always read at subsequent meetings, and altered if wrong?

Answer.—Yes.

Question by the same.—In conversation, and in Session, did not the majority insist, that it was absolutely necessary to allow time, because the congregation was not prepared to choose a Pastor?

Answer.—Majority in their conversations, some times took this ground, but their main objection was to the Candidate in view of congregation.

Question by same.—Did not the majority of Session, frequently urge too, as a reason for not calling a meeting of the congregation, that the friends of Mr. Ely, who wrote to Session about him, admitted his deficiency in discretion?

Answer.—Yes, they used this argument, and it was insinuated by one of the majority, that they knew something bad of him, which he would not communicate, though urged.

Question by Mr. Haslett.—Who is referred to by the individual, who said he had been roughly treated by a member of Session?

Answer.—Mr. Haslett.

Question by the same.—Who was the individual?

Answer.—Mr. Scott.

Question by Mr. M^r Mullin.—In relation to the indefinite postponement, do you not recollect that it was understood, that we did postpone the matter to a definite time, and specified in the minutes, and did we not take up that matter at that time, as the first business?

Answer.—I did not so understand it.

Question by the same.—Do you not recollect, that the majority urged as a reason, for not recording it as the object of that adjourned meeting to take up this matter, that they considered it very irregular and injurious, to have a paper going about for signatures?

Answer.—They considered the proceedings irregular. I do not recollect that this was assigned as a reason for not making the record.

Question by the same.—Did I not state it as my opinion, that those proceedings were tearing up the roots of our happiness; and did I not entreat you to use your influence to prevent them?

Answer.—At this time, I gave the pledge of siding with the majority of Session, if a very large majority of congregation were not in favour of Mr. Ely; but gave it as my opinion, that if we attempted to stem the torrent, it would injure the Church.

Question by the same.—Was it not the opinion of all the Session, that such was the state of congregation, and such unhappy consequences were arising, that it would be proper to invite Dr. Neill?

Answer.—Yes, and I think it was proposed by one of the minority. All agreed; but one of the minority said, we shall not lose sight of Mr. Ely. Pleasing unanimity at this meeting.

Question by the same.—Was it not distinctly stated, in the letters of Dr. M'Leod, that Mr. Ely was indiscreet, but that with an enlightened Session he might do?

Answer.—Among a number of good qualifications ascribed to Mr. Ely, he did attribute to him indiscretion, and it had some weight on my mind; but that in a conversation with Dr. M'Leod, he said, he meant by indiscretion, what ninety-nine out of an hundred would be pleased with, viz. a freeness to speak his mind.

Question by the same.—Was not the compromise spoken of, considered by Session, as a substitute for complying with the request of the 173?

Answer.—Yes.

Question by Mr. Haslett.—How does witness know, that the majority tried to prevent persons from signing the petition?

Answer.—By information from persons signing, viz. James Martin, John Brown, &c.

Question by Mr. M'Mullin.—Did you ever hear me maintain, that Session had a right to prevent a meeting of congregation to elect a Pastor, when a majority deliberately wished it?

Answer.—Yes.

Question by the same.—Did I not say, in conversation about another person than Mr. E. that I thought, if only

two members of Session were opposed, it would not be proper to urge his election?

Answer.—Yes.

Question by Mr. Haslett.—Was not the ground taken by the minority, that the Session, in regard to electing a Pastor, had no more to do than Pew-holders?

Answer.—They thought that they ought not to oppose the will of the majority of congregation.

Question by Mr. Steel.—Were not the people generally in favour of Mr. Ely, at the time of presenting the first address, and did not appearances warrant a Call of the people, before they were driven to the resource of collecting names, to prove their readiness for an election?

Answer.—In opinion of witness they were.

Question by same.—Was not witness acquainted with a great portion of the congregation?

Answer.—I have a pretty general acquaintance.

Question by same.—Did witness believe that the people, without any undue influence or management, were prepared to elect a Pastor?

Answer.—Witness believed they were.

Question by same.—Did witness recollect, at a meeting of the Trustees, the name of Dr. Neill was mentioned, and a wish expressed that the people might have an opportunity of hearing him?

Answer.—Yes.

Question by same.—Does witness recollect, that a member of Session objected to the inviting of Dr. Neill, on account of his health?

Answer.—Witness does not recollect particularly, but remembers that observations were made, with regard to Dr. Neill's health, and his unfitness for that congregation.

Question by same.—When the Session wrote for Dr. Neill; did not the congregation cease importuning, on the subject of calling a meeting, till an answer was received?

Answer.—Yes.

Question by same.—Soon after Dr. Neill's answer was received, did not the congregation appear urgent for calling a meeting?

Answer.—Yes.

Question by same.—Did not the people then appear nearly, or equally as unanimous for Mr. Ely, as when the first call was made on Session, to assemble the congregation?

Answer.—With the exception of two or three persons, with whom witness had any conference, they were so.

Question by same.—Did witness, during the whole course of the dispute, ever know any unbecoming conduct of the remonstrants toward the Session, or perceive any thing like a wish to deprive Session of their privileges?

Answer.—No.

Question by same.—Did the Session show any disposition to comply with the request of the 173?

Answer.—In my opinion, no.

Question by same.—Did Session claim the power of opposing the wish of the 173?

Answer.—Yes.

Question by Gen. Steele.—When the petition signed by thirty-two members, was presented, what record was made?

Answer.—In my opinion, no record was made.

Question by same.—Did any of the majority of Session, who said they had not a knowledge of the congregation being prepared for an election, propose any measures, or express any wish for ascertaining the matter?

Answer.—Not to my knowledge.

Question by same.—Did it appear, from any conversation which passed in Session, that the majority of Session supposed a majority of Congregation to be prepared for electing?

Answer.—In my opinion, they did suppose so.

Question by same.—How, in former elections, did Session judge of the people's being prepared?

Answer.—By conversation with the people, and reflecting persons.

Question by same.—From whom did the letters referred to, come?

Answer.—Dr. M'Leod, Dr. Romeyn; and Mr. Ely.

Question by Mr. Potts.—Did Session assume constitutional ground, in regard to the treatment of the petition of thirty-two?

Answer.—Yes, they thought they had power given, impliedly, by the constitution.

Question by same.—Did Session treat the petition of the thirty-two with neglect, merely from the circumstances of the case, or from constitutional grounds?

Answer.—I believe they were combined.

Question by same.—Did the majority of Session, out of doors, oppose in conversation the recall of Dr. Milledoler?

Answer.—Some did.

Question by Mr. Latimer.—Did Session refuse to read the petition?

Answer.—They read it.

Question by Dr. Blair.—Did the majority of Session maintain the right to controul the congregation indefinitely, although a large majority should wish a meeting, for electing, &c.?

Answer.—They claimed the power of controuling the meeting, till the Session were satisfied of the qualifications of the candidates, and of the preparedness of the people.

Question by Capt. Wickes.—At the time of Dr. Wilson and Mr. Potts's interference, did not one of the minority say that, without regard to the authority of Session, Presbytery and General Assembly, he could get a minister?

Answer.—One in his dotage might have said so.

Question by Mr. M'Mullin.—Do you know any thing further, to shew that the Session treated applications contemptuously?

Answer.—No.

MR: WILLIAM SMILEY.

Mr. Scott went to Mr. Haslett, at witness's request. At the meeting of Session afterwards, witness dont recollect that a vote was taken. He says he thought they had no discretion, that our book of discipline required them to call a meeting of congregation, when a majority of congregation required it. Indefinite postponement of the subject of the petition, he says, passed. He remonstrated. He dont recollect who prepared the invitation of Dr. Neill. All agreed to it. He thinks no minutes were made of this matter, and dont recollect that it was read at the next meeting. Mr. John M'Mullin always appeared willing to discuss what related to the state of the congregation.

He thinks, that through the whole business, the majority believed that they were exercising a constitutional right. An individual of the majority said, he considered the Session as standing in the place of God, and those who rebelled against Session, rebelled against God! Witness states, that Mr. Haslett asked witness, whether he did not think our Church Government was a monarchy. Mr. Haslett then asked, whether I did not represent the Church as a theocracy. Witness supposed he thought the Church a monarchy, Witness supposes Session has some power, but not to delay a meeting indefinitely.

Question by Mr. Steel.—Did not Dr. Wilson propose that Mr. Ely should be invited immediately, or in a few weeks?

Answer.—I dont recollect ; but Mr. Steel seemed afterwards to have supposed so, and on this ground to have acceded to the proposal.

Question by same.—Did the people who signed the second paper, approve of the agreement of Session ?

Answer.—I have no recollection of any, perfectly satisfied, except one, but some were willing to acquiesce for sake of peace.

Question by same.—Why were they not satisfied. Did they not suppose their rights given up ?

Answer.—They supposed them set aside in that instance.

Question by same.—When the first paper was presented, was it not treated with neglect, bordering on scorn ?

Answer.—One thought it disorderly.

Question by same.—Was there a disposition in the majority to comply with the wishes of the 173 ?

Answer.—Little was said, though one of the majority admitted, that there was a majority of the congregation on the paper.

Question by same.—Did the majority present to Session, a paper with a counter petition ?

Answer.—No.

Question by same.—Did you discover any disposition in the people, to rise in rebellion against Session ?

Answer.—I avoided conversation with any of the people, except with persons who pressed it, and always advised them to seek direction by prayer.

Question by same.—Did you say, that if there should not be five to one, you would oppose the election ?

Answer.—Yes.

Question by same.—Did you hear one or more of the majority say, they were not bound by the agreement concerning Mr. Ely ?

Answer.—Mr. Haslett said, that as the people had broken their part of the engagement, he hoped, if he should act differently, when the business came to be considered, he would not be condemned.

Question by Mr. M' Mullin.—Do you recollect, that one of the majority proposed to one of the minority, to have a congregational meeting, to ascertain how the minds of the people stood, on condition that the remonstrants would agree that nothing more should be done ?

Answer.—I heard something of it.

Question by same.—Do you recollect that the majority objected to the paper signed by the 173, because they believed, that some of the signers did not know what they were signing?

Answer.—Yes.

Question by Mr. R. M^o Mullin.—Did I not say, that I had no fear of a congregational meeting?

Answer.—Yes.

WITNESSES FOR SESSION.

MR. GEORGE LATIMER.

Question by Mr. Haslett.—When the first paper was carried about, did you say it was precipitate, or did you hear others say so?

Answer.—I certainly did think it precipitate, and several with whom I conversed, and that it would be best to wait.

Question by same.—Did you express your sentiments on this subject to the majority, or minority?

Answer.—I did to two or three of the majority, and to one of the minority.

Question by same.—Did you ever hear any of the majority, in conversation, claim a power of preventing a meeting of the congregation, except under existing circumstances?

Answer.—I did hear them say, they were willing to have a meeting of congregation, in order to ascertain the state of the people's mind, provided they were not precipitate in the choice of a Pastor.

Question by same.—Did you understand it ever to be the practice of women to vote at our elections?

Answer.—Not competent to answer.

Question by Mr. Steel.—How many persons thought measures spoken of, precipitate?

Answer.—I cannot say, but several.

Question by same.—Was a paper presented to you, by Session, to sign?

Answer.—I cannot say. I did sign a paper.

MR. JOHN SMITH.

Question by Mr. Haslett.—Were you waited upon to sign a paper?

Answer.—Yes, by Mr Workman, and Capt. Whilldin.

Question by same.—Did they state their design?

Answer.—They told me it was necessary, and I did sign

it ; but afterwards, being better informed, I withdrew my name.

Question by same.—Did they state, that it was a general thing, as if there were no division ?

Answer.—I understood so.

Question by same.—Did you understand, that it was to obtain a particular man, and did they represent congregation as unanimous ?

Answer.—Yes. I understood Mr. Ely to be the man, and they laid it down so, and several of my neighbours were here this morning, who supposed they would be called upon as witnesses, who were sorry, because they had signed the paper.

Question by Mr. Workman.—Did we solicit you to sign ?

Answer.—Yes ; you laid it down as a good thing.

Question by General Steele.—Are you a communicant ?

Answer.—No.

Question by same.—Who informed you better ? Did Mr. Haslett call on you ?

Answer.—I have been long acquainted with Mr. Haslett.

MR. ROBERT ADAMS.

Question by Mr. Haslett.—Were you called upon by any of the congregation to sign a paper ?

Answer.—Yes, by Mr. Workman. I thought the thing too hasty. They pressed me ; I would not sign, because it was for Mr. Ely, whom I did not know enough. He stated Capt. Toby had signed the paper of 173, but that after being better informed of the contents of the paper, he said he was sorry, and would go to Mr. Stuart and withdraw his name.

Question by Mr. M^r Mullin.—Do you know of other persons who signed this paper without understanding the nature of this paper, who were afterwards sorry for signing when they came to understand it ?

Answer.—Yes, several, four or five.

MR. GEORGE THOMPSON.

Question by Mr. Haslett.—Were you called upon to sign a paper for calling a congregational meeting to choose a minister ?

Answer.—Yes, the paper was for Mr. Ely, and I was unwilling to sign. I had read the paper. I would not sign.

Question by same.—Were it not the common desire of your acquaintance to delay calling a congregational meeting ?

Answer.—Yes, I understood so; my circle is small, and I did not talk much on the subject.

Question by Mr. Steel.—Were you waited on with another paper?

Answer.—Yes, I signed another, and some of my acquaintance did also.

MR. LEWDEN SAWYER.

I was waited on to sign a paper to request Session to call a congregational meeting for making out a Call to Mr. Ely, so I understood. I was indisposed at the time. I was sorry that I ever signed it.

Question by Mr. Haslett.—Did you sign the paper?

Answer.—I did, and am sorry.

Question by same.—Do you wish Session had been more hasty?

Answer.—No, I am glad they have deliberated.

Question by Mr. Workman.—Were you waited on to sign the paper of the 173?

Answer.—No, my sentiments were too well known. I wish to correct this. I was requested to sign a paper commanding Session to call the Congregation together. I spurned at it. I think the circulation of papers in this way productive of discord, and unprecedented in our Church. I believe influence was used to excite the people. I do not know one who signed the other paper, who was sorry for it. [Doubt is entertained by Presbytery about the paper mentioned in the last sentence.]*

MR. WILLIAM LINNARD.

He says he found Mr. Workman and another, going about with a paper collecting names; became alarmed, and

* Doubt should not have been "entertained by Presbytery" about this paper, as the Elders had stated in their address that they had visited the Congregation, and it was stated by the Commissioners of the people that a counter petition was carried about by the Elders, which Mr. Haslett denied, though he (Mr. Haslett) had presented to one of the Commissioners this very paper with a view to obtain his signature. Mr. John M'Mullin, with becoming candor, acknowledged they had carried about a petition, which the Commissioners urged should be laid before Presbytery, as unequivocal proof that but few were opposed to the election of Mr. Ely, notwithstanding the weight of character and influence of those Elders, and some *management*, at least by one of them, had been employed to obtain signatures.—This document, though promised to be exhibited, was ultimately withheld, for reasons best known to themselves.

thought this an unprecedented measure. Mr. John W. Thompson stated to him, with warmth, "We are determined to put down these tyrannical elders." He remonstrated and reasoned with him against using such inconsiderate and rash language. He states that Mr. Hanse signed the paper, and witness asked why he did it without sufficient consideration.

Question by Mr. Haslett.—Do you think such measures to have a bad effect, in disturbing the peace of the Church?

Answer.—Yes, the natural effect of them.

Question by Mr. Haslett.—Did you ever discover in any of the Session a disposition to assume undue power?

Answer.—Never.

Question by General Steele.—Why was a paper carried about?

Answer.—I don't know. I have been informed of a caucus being held, and a committee appointed.

MR. NATHANIEL HUTTON.

Mrs. Hutton signed the paper handed by Mr. Workman, (and at Mr. W's request) for him, and he told her, he was sorry for it, and that he would not have done it.

Question by Mr. Steel.—Do you often attend at church?

Answer.—No, not since Dr. Milledoler went away.

Question by Mr. M'Mullin.—Why were you indisposed to sign the paper?

Answer.—Because I thought that more time ought to be allowed for the people to make up their minds.

MR. HASLETT.

States fifty females as having subscribed. States that [there were] thirty or forty who would not vote for Mr. Ely, and twenty or thirty who wished delay.

MR. R. M'MULLIN

States, that some of the Committee were sorry of having done any thing in this unhappy business. He believes that if the remonstrants had requested Session to call a meeting of the congregation, to compare their views, the Session would willingly have consented.

After comparing the within draft, with the rough minutes, find it correct, generally.

Attest,

GEORGE C. POTTS, Stated Clerk.

May 5th, 1813.

E

The preceding report of the trial was not taken by the Presbytery as it should have been; but by a person present, who exhibited his manuscript to the Stated Clerk, that he might compare it with the documents in the Presbyterial archives, and certify the same; which he accordingly did. The witnesses were not sworn, because the Presbytery seemed unwilling to enter into a regular trial; but the facts may be clearly ascertained, and every one can judge for himself whether any probationer had "preached so much to the satisfaction of the congregation as that the people appeared to be prepared to elect a Pastor." *Form of Gov. ch. 14. sec. 1.*

After hearing the evidence, and remaining a long time in secret consultation, the Presbytery came to the following

DECISION.

A paper, signed by a number of persons belonging to the Third Presbyterian Church, in the city of Philadelphia, was laid before Presbytery, preferring a complaint against the Session of said Church, for an infringement of their rights, in not assembling the congregation at the request of a large number of petitioners, for the purpose of calling a minister, for which they conceived the Congregation prepared; and charging a majority of Session with treating the judgment of their brethren with neglect and contempt.

The papers being read, and both parties having been fully heard, the Presbytery deliberately, maturely, and after solemn prayer to God for direction, adopted, with amendments, the following Resolutions brought in by a committee, which they conceive to contain as distinct and complete an answer to the constitutional question involved in the case, as the Constitution of our Church authorizes.

1st. Resolved, That the charges exhibited in the paper styled a Protest and Remonstrance, are exhibited against the majority of the Session, as a majority, and not against them as individuals; and therefore, that the truth of the charges must be determined, not as individuals may have said, but by the decision of the majority.*

2dly. Resolved, That inasmuch as it does appear by the records of Session, and other evidence, that the majority of Session received,

* That is to say, the written documents of the four Elders is the decision and the record of the proceedings of the majority of Session; and what these four men order themselves to write in the name of the Session, shall be paramount and exclusive evidence in the case. The *majority of Session* is here a *party*, and although they sometimes kept minutes of their transactions, yet commonly did not, we, the Presbytery, will allow of no other testimony but the written manifesto of said party against the Commissioners of the Congregation, who are the other party in the case. The majority of Session have voted that they treated the petitioners with all due respect, and therefore the petitioners should not complain.

read, and deliberated on the petition to them, they cannot be justly charged with treating either the petitioners or the people, with contempt.*

3dly. Resolved, That it appears from the testimony adduced, that the Session as well as the Remonstrants, however they may have differed in opinion, endeavoured to act agreeably to what they conceived to be the spirit and meaning of the Constitution of our Church.

4thly. Resolved, That when a majority desire a meeting of the congregation to be called to elect a Pastor, and the desire is fairly expressed, it becomes the duty of the Session to call a meeting for that purpose.† But notwithstanding the second paper signed by a large number of pewholders, it does not appear that the majority of Session were, under existing circumstances, satisfied that this was the deliberate wish of the congregation.‡

5thly. Resolved, That in the opinion of the Presbytery, if a congregational meeting had, after the presenting of the above paper, been called, with a view to take the sense of the congregation on the propriety of calling another meeting for holding an election for a Pastor, it would have contributed to preserve the peace and harmony of the Church.

6thly. Resolved, That Presbytery earnestly recommend, and do hereby earnestly recommend to the parties, to cultivate a spirit of forbearance and Christian charity, and brotherly love; to bury in oblivion the unhappy differences which have occurred; to let the business take the course which has been agreed upon; and if afterwards, they cannot unite in the candidate in question, they advise them to turn their attention to some one for whom the choice will be more unanimous.

* RESOLUTION EXPLANATORY. Resolved, That inasmuch as it does appear by the records of the Parliament of Great Britain and other evidence, that the majority of Parliament received, read, and deliberated on the petitions, remonstrances, and protests of the American Colonies, therefore Parliament cannot be justly charged with treating either the petitioners or the people with contempt; and therefore Washington and the patriots of '76 were unreasonable in their complaints, and should have thought their grievances redressed, when Lord North put their papers into his pocket, and resolved to make the clamorous rebels submit.

† The desire of the pewholders was as fairly expressed in the case before the Presbytery, as the signatures of a majority could make it; but the four Elders must have some apology framed for their past misconduct; and some encouragement given to persevere in *conscientiously* oppressing the Congregation.

‡ It seems then, that Elders are to sit in judgment upon the sincerity of their petitioners, and, in reading signatures, have permission to say this man, and this, and this, did not deliberately wish for the privilege for which he supplicates; he subscribed without wishing to do it; and those who procured his name, against his will, have acted the part of swindlers. This would be a very convenient method of getting rid of signatures to petitions, bonds, notes and deeds. Only let Legislatures, Courts, Sessions and Presbyteries judge, that petitioners are not deliberate in subscription, and the powers which reign, may reign without fear of accountability.

The Commissioners of the Congregation, conceiving that the Presbytery should have required the Session to perform their duty without delay; and finding that the preceding something-nothing resolutions were likely to do no manner of good, appealed from the decision of the Presbytery, to the Synod of Philadelphia, which was to convene in May. The following is their written

APPEAL.

TO THE REV. MODERATOR AND MEMBERS OF SYNOD,
PHILADELPHIA.

Reverend Sir and Brethren,

The undersigned commissioners, appointed by the unanimous vote of a large and respectable meeting of members of the Third Presbyterian Church in Philadelphia, for the purpose of prosecuting an Appeal to your Reverend Judicatory, from the decision of the Philadelphia Presbytery, at their session in April last, in the case of a protest and remonstrance of the members of said Church, against the conduct of their Session, in regard to the subjects specified in said remonstrance, (which we presume will be laid before Synod, with the proceedings thereon, by commissioners from said Presbytery having charge of the business) according to usage in such cases, state the reasons for the appeal, as follows:

1st. The preamble of the said decision is at variance both with the letter and meaning of the remonstrance, insomuch as the uncertain terms "large number of petitioners" are therein used to imply the certain and significant terms "one hundred and seventy-three pew-holders" expressed in the remonstrance.

We cannot but feel aggrieved by this appearance, on the part of Presbytery, of waiving the importance of an explicit request and positive declaration of 173 pew-holders of the church, which is indisputably a large majority of qualified voters, more especially so, when this 173 includes a very large majority of the Communicants entitled to vote at elections—(we say nothing here, it being irrelevant to the case, of the great proportion of the Communicants not entitled to vote, who, as respects the candidate in question, cordially acquiesced in the proceedings of the 173.)

2d. The first resolution excludes the most important and necessary testimony, both for the investigation of the subject, and for determining the merits of the case, and renders an *ex parte* decision inevitable.

Presuming that Presbytery, as an ecclesiastical judicatory, would, for the purpose of bringing to a happy issue a subject which involves the tranquility of an important branch of the Church of Christ, avail itself of every means calculated to insure justice to the parties, we cannot account for its precipitately closing the avenue by which alone it could, with certainty, have come to the knowledge of facts

deeply interesting to those who sought redress of grievances, and pursuing a path in which, most assuredly, it could have had but a partial light to direct its course. By this act also, it will be perceived by Synod that Presbytery has admitted, as valid testimony, the assertions of the majority of Session, contained in a manifesto *assuming* the authority of an official document of Session; which manifesto is a libel on the Congregation, representing it to be composed of a disorganizing, ungovernable, disorderly and hostile people, and assimilating their character with that of the devoted rebels Korah, Dathan and Abiram, with other allegations, testimony to prove the falsity of which, is rejected by this part of Presbytery's decision.

3d. The second resolution decides, that the reading of and deliberating on the petitions, although no decision with respect to them be had, and no act be predicated on them, is sufficient to exonerate the majority of Session from the charge of treating the petitions, or the judgment of the people as expressed in said petitions, with contempt. Although opinions with regard to the nature of contempt, may differ, yet we believe it will not be denied, that the term is not altogether improperly applied, when intended to signify a disregard manifested by representatives, to the sentiments and opinions of their constituents; and this charge of disregard or contempt is not disproved by the evidence admitted;—for, although the petitions might have been read, and deliberated on again and again, no decision, in the first instance, is on record, and in the second, none which recognizes the spirit of its contents, which contents were in perfect coincidence with Chap. 14. sec. 1. Form of Gov. &c.

4th. The third resolution is at variance with the principle on which the decision is founded.

Presbytery having excluded, by the first resolution, the testimony necessary to justify even the *intentions* of the petitioners, the only testimony rendered inadmissible by said resolution, is opposed to the petitioners, and consequently can by no means extenuate their acts.

5th. The latter part of the fourth resolution abrogates the constitutional rights of the Congregation on the ground of a *negative* fact, founded only on the *assertion* of one party, in opposition to the *valid testimony* of the other, and by that means renders the former part of the same resolution, although supported by an *incontestible fact*, dependant for its import on the mere *opinion* or *will* of the majority of Session; and thus constitutes such sessional majority, the judges of men's consciences, and the arbiters of their rights and privileges.

Our objections to this part of the decision are predicated on a consistent explication of the Constitution of the Presbyterian Church, according to which explication, we have received that form of government *ex animo*, and have hitherto, on this ground, believed ourselves Presbyterians.—Reading as we do in the 4th chap. that "Elders are representatives of the people, chosen by them," &c. we naturally presume that their powers are by investment of, and to be exercised for, the people; it therefore necessarily follows, that what constitutional powers, or rights, are not generally or specifically delegated to them for administration, remain with the people, to be exercised at their own discretion. In the 8th chap. we find a specification of powers thus delegated to Session, among which is the spiritual government of the Church, with authority to concert the best measures

for promoting the spiritual interests of the Congregation. These sentences, abstractedly considered, might probably be understood to imply a right, not only to nominate a candidate, but also to choose a Pastor for the Congregation; but we are bound to act consistently, and therefore are obliged to turn to the 14th chap. which specifically provides, that in this case *the opinion of the Congregation shall be the ground of an election of a Pastor*, without a previous reference of the question to the Session for their decision, insomuch as the Congregation only is mentioned as having a right to be satisfied: this power then to select a candidate and choose a Pastor, is not merely tacitly reserved, by the people, but, lest the chapter previously referred to should be misapprehended, this right of the people is hereby expressly and indisputably *guaranteed*. Moreover, the qualifications of a Pastor for a particular Church, are understood, by the general tenor of the Constitution, to be not within the control of a judicatory of less authority than a Presbytery, and thus obviously determines, that a Minister whose character and doctrines are unimpeached by such judicatory, is always a proper candidate for the choice of any Presbyterian Congregation, who are satisfied with his preaching; whilst it would be equally clear, that a Session's objecting to a candidate on account of an alledged defection in either of these points, without preferring specific charges to the Presbytery having such candidate under its care, would itself incur Presbyterial censure. We further remark, in support of our ground of objection, that in some of our churches there are many persons, who, being communicants, are subjects of the spiritual government of the church, agreeably to the specifications in the 8th chap. and yet have no part in the election of a Pastor, a circumstance which, at least, renders it presumable, that *this act* is not implied by the general terms of that chapter.

6th. The fifth resolution admits the propriety of the Session's acting without regard to the sentiments of their constituents, when an unequivocal expression of such sentiments is immediately before them, and no proof of the constitutional impropriety of such sentiments adduced. It will be perceived by Synod, on referring to the proceedings in the case, that the paper alluded to in this resolution, is an explicit request for the Session to take the constitutional measures for enabling the Congregation to proceed to the election of a Pastor, and a declaration of a majority of pewholders, that they were ready to exercise this right; the evidence given in the investigation of the subject, but excluded by the first resolution, also proved, that this desire existed, and was generally expressed from December until the presentation of the request on the 18th February, which indubitably proved, that the petitioners had not, in this instance, incurred the charge of want of deliberation. Yet the resolution supposes a measure having no reference to this request, and which certainly would, in the case of its adoption, have had, at least, the *appearance* of slighting the judgment of the people, a proper measure for the purpose of preserving harmony, &c. How far it might have contributed to produce this effect, cannot now be determined, as much, doubtless, would have depended on the subsequent conduct of the majority of Session—ordinary harmony and unanimity still continuing to be the characteristics of the Congregation generally; and it would

be falsifying the fact, were we to say, in the phraseology of the Sessional manifesto, "peace has fled our precincts."

7th. The sixth resolution advises a conduct, inconsistent both with the nature of things and the doctrine of Scripture;* for "how can two walk together unless they are agreed."—Incongruity is certainly a conspicuous feature of this resolution, inasmuch as the agreement thereby alluded to, is no less than a decision of Session, which, without testimony to the point, Presbytery could have had no ground for the supposition of its being violated; such testimony on the part of the Remonstrants, having been excluded by the first resolution, and no wish expressed, or intimation given, by the people, or their commissioners, that such violation should be realized, it seems superfluous, to say the least of it, that Presbytery should thus advise in a case not submitted to them for decision by the party with which it remains, nor admitted as a subject of testimony from the Remonstrants.

The advice of Presbytery further contemplates, either unanimity of a majority of Session with the Congregation in relation to the candidate; or, in case of failure, an abandonment on the part of a large majority of the Congregation. This seems to the Appellants inconsistent with the obvious sense of the Constitution, which certainly considers it possible, that there may not eventually be a majority of votes for a candidate, notwithstanding an *appearance* of satisfaction in a Congregation, sufficient to justify the Session in taking the specified measures for holding an election; yet the resolution

* Pains have been taken, by some of the *clerical* members of Presbytery, to abstract this sentence from its connection and relative circumstances, for the purpose of exhibiting it in justification of their denunciations against the "individual or individuals who drafted" the Appeal. Of gentlemen, so peculiarly sanctimonious, it is but fair to enquire, by what example of our Lord the Presbytery were influenced, or by what gospel precept were they governed; in the decision which concludes with their salutary advice? Did the Blessed Saviour say to any one "go in peace," without affording the applicant that relief which he needed? Did he inculcate that it was enough to say, to those who were hungry, naked and cold, 'be fed, clothed and warmed?' Or did he exhibit as a pattern for our Church judicatories the conduct of the Priest and Levite, who, notwithstanding their sedulous attention to the *letter of the law*, could nevertheless, when a fellow-being in distress claimed their commiseration, pass by on the *other side*, regardless of suffering humanity. The "individual or individuals who drafted this paper," doubtless may not have higher "pretensions to piety" than the men who assume the right of judging hearts; but we are constrained to believe that *charity* is an essential christian virtue, and that its appearance as a trait in the character of any reverend Doctor, would render him more estimable in the view of Christians, than would all the dignity he could possibly derive from a profession of *legal* erudition; for as relates to the church, his *juridical* knowledge, however extensive, unless blended with and regulated by *Christian charity*, would be, to use the terms of Presbyterial eloquence, "not worth a pinch of snuff!"

anticipates the relinquishment of a candidate, in the present case, which it appears, even by the evidence admitted, was the choice of a large majority of the Congregation, and which majority is not impaired by the said evidence, and which it could still be proved, if an appeal were made to a congregational meeting, has not been essentially impaired, either by reflection, admonition, or any means whatever subsequently employed for the purpose, by any of the majority of Session.

8th. The whole proceedings in the case were not according to the form of process provided in the Constitution.

The testimony was not taken on the oath or declaration of the witnesses; nor the witnesses examined agreeably to said provision; the testimony but partially and irregularly recorded and read; and none of the testimony subscribed by the witnesses.

9th. The decision of Presbytery, instead of giving that explicit definition of the rights of the people, and powers of the Session, as solicited by the Remonstrants, is vague, obscure and inconclusive; which, we presume, results from the principle adopted in the first resolution.

Having thus, *generally*, stated our reasons, for appealing, we believe sufficiently distinct, to bring the case before your Reverend Body, we feel it our duty to ask your indulgence, on account of any inaccuracy in the detail, or informality in the mode, which your superior judgment may discover; as also to suggest the propriety, which you will doubtless perceive, of taking such order on the subject as will tend most speedily and effectually to relieve the Congregation of those unpleasant circumstances, in which it is placed by the inflexible adherence of a majority of Session to the principle they have assumed of being satisfied with regard to a candidate previously to their complying with the expressed desire of the Congregation relative to a pastoral relation; or performing an imperatively enjoined duty, until they shall be fully of opinion that the candidate is, agreeably to the sentiments which they may entertain, properly qualified to take the Pastoral Charge of the Congregation. Therefore, we beg leave to be heard on the principles of our Remonstrance prosecuted before Presbytery, from whose decision we have been forced, from a deep sense of duty, to appeal, hoping that your Reverend Body will more explicitly determine the Constitutional points relative to the case in controversy; declare the duties of Session thereby involved, and thus relieve your Appellants from present restraint and prevent future collision—and we shall ever pray that the pleasure of the Lord shall prosper in your hands.

SAML. CARSWELL,
J. WORKMAN,
JOHN STEEL,
GEORGE PEARSON,
JOHN W. SCOTT,
JACOB MITCHELL.

DECISION OF 'SYNOD.

Synod proceeded to consider the unfinished business of yesterday, respecting the Appeal from the proceedings of the Philadelphia Presbytery. It was moved and seconded, that the proceedings of Presbytery be affirmed.

After discussing the subject, for some time; on motion, it was resolved to postpone the business, in order to receive some reports.

Synod proceeded to consider the unfinished business. Upon motion, it was resolved, to postpone the question before the House, for the purpose of considering the following substitute, viz.

"Synod, after a full hearing, and mature deliberation, are of opinion, and do adjudge—

"That the proceedings of the Presbytery were irregular, in receiving and acting upon testimony, which was not given under the solemnity of an oath, agreeably to the Constitution; and do therefore, refer the whole business back to the Presbytery for their consideration."

Which was unanimously adopted.

A true copy;

(Signed) JOHN W. DOAK, Clk.

May 21, 1813.

After reading the decision of Synod, the Commissioners of the Congregation asked the Moderator, "Is this a complete reversal of the sentence of Presbytery?" Several members answered "Yes," and the Moderator assenting, the Commissioners then read the following answer :

"The Commissioners appointed on the part of the 3rd Presbyterian Church, express their grateful thanks to the Reverend Synod of Philadelphia, for the attention they have given to their Appeal, and signify their approbation of the result, in the reversal of the Presbyterial decision appealed from."

Sometime after this decision of the Synod, and after the many preachers who attended the General Assembly had passed away, the four Elders seem to have thought it best to convene the people that they might put an end to Mr. Ely's ministerial prospects. It was reported to be their intention to convene the people, that they might read his letter to Capt. Wickes and the letters of Dr. Milledoler in relation to it, that the Congregation might believe him to be, what R. M'Mullin and B. Wickes had said he was,—a liar. Their purpose was divulged; and that the friends of Mr. Ely might be prepared to meet their opponents, the two following letters were procured.

LETTER FROM DR. MILLEDOLER TO MR. STUART.

New-York, June 4th, 1813.

Dear Sir,

I have heard with surprise and regret, that it is the intention of certain gentlemen at Philadelphia, to bring forward, in a congregational meeting, a charge of falsehood against Mr. Ely, and that this charge is predicated on letters which have passed between Capt. Wickes and myself. As to my letter of the 13th of January last, I consider Mr. Ely to have denied, not that he had written to Capt. Wickes, but only the correctness of the quotation made in the Captain's letter of the 8th of January. On the quotation itself contained in Capt. Wickes's second letter to me, of the 14th of January, I would observe, that I consider Mr. Ely to have been unauthorized, by any thing I ever said to him, to make the assertion contained in it. His expressions of my views of settlement in Arch-street Church, were imprudent, unwarranted, and improper. Yet I cannot, and do not think him capable of wilful misrepresentation. I have no doubt but I have stated to him, in general terms, that Arch-street Church was a highly respectable and influential congregation, and a desirable situation for any man. From expressions like these, he has probably taken up the idea, that it would be agreeable to me to receive a Call from that Church,

But the extent of what I am disposed to charge him with, in the case, is an incorrect judgment of my personal views, and an indiscreet and precipitate expression of his own opinion and wishes.

I really do not think that the charge of falsehood ought to be made, or can be supported against him; that the charge itself is cruel, and, on the part of those who may bring it forward, unworthy of the Christian character.

With great affection and respect, yours,

(Signed) PHILIP MILLEDOLER.

LETTER FROM DR. ROMEYN TO MR. STEEL.

New-York, June 4th, 1813.

Dear Sir,

On my return home yesterday, I found your letter of the 2d instant. This morning I have seen Dr. Milledoler. He read for me the letters which have passed between Mr. Wickes and himself, on the subject of Mr. Ely's communication to Mr. Wickes, as also the extract from Mr. Ely's communication, attested to be correct by Mr. Stuart. My opinion unhesitatingly and decidedly is, that there is no foundation for the charge of falsehood which is brought against Mr. Ely. That he misunderstood Dr. Milledoler's views and feelings with respect to Arch-street, is evident from Dr. Milledoler's declaration. That he expressed himself too strongly on the subject, Mr. Ely himself grants. But it is unquestionable from the circumstances of the case, as they are exhibited in the correspondence, that Mr. Ely meant merely to state his opinion, and not to have it understood that Dr.

Milledoler had given him any warrant to use his name in connexion with Arch-street Church. With this view of the subject, I cannot help thinking and expressing my thoughts freely and candidly, that the attempt on the part of the opponents of Mr. Ely, to brand him with the opprobrious character of a liar, is as cruel as it is unchristian. Such an attempt ought to have for its basis, not merely a doubtful fact, but a clear, indisputable one. In the present case, the basis of the attempt is of the last kind; the opponents of Mr. Ely themselves being judges. Besides, it ought to be recollected, that the charge is made by a man, who has, in the very act of making the charge, betrayed the confidence which Mr. Ely put in him. *Mr. Wickes in disclosing the letter which was confidential, has been guilty of what may not improperly be termed treachery.* And even granting Mr. Ely had committed a breach of trust, Mr. Wickes has committed a breach of trust. Miserable must be a cause, which rests on such a foundation. I regret that in a matter of choice, viz. that of a pastor, professors of Jesus Christ should be led, under the influence of unwarrantable passions, to endeavour the destruction of the moral character of a man who stands on as high a ground as his accusers, and sustains as fair a reputation, to say the least. You may use this letter as you please.

Yours, respectfully,

(Signed) JOHN B. ROMEYN.

FIRST CONGREGATIONAL MEETING.

A short time previous to the first of June, 1813, the majority of Session, under the pretext that the Protest and Remonstrance of the Congregation, against their proceedings, had absolved them from their agreement to invite Mr. Ely for three months as a probationer, rescinded their resolution to that effect: and in place of it, resolved to convene the pew-holders, and submit for their consideration the following query;

“Are the people now prepared to appoint a time when they will proceed to the election of a Pastor?”

The agreement of Session to invite Mr. Ely, was made on the 18th of February 1813, and from that time until the submission of the preceding question, the four inimical Elders went from house to house, exerting their utmost efforts to ruin the reputation of the candidate in the estimation of the people. They were not satisfied with operating upon the minds of the members of the Pine-street Church, but made unfavourable, and even slanderous, representations, to many of the most respectable persons of other churches in the city. The general cry was, “Oh! if you knew what I know of Mr. Ely, you would not think much of him as a

minister!" What this terrible affair was, which they had the honour of retaining, like some venomous serpent in a show-box, seems not to be known; but the modest, very modest Mr. Haslett, told a lady, who insisted on knowing what he had against Mr. Ely, that *it was too bad to mention*. When some of the other Elders were pressed to disclose the horrible secret, "Oh! it was something too bad to mention!"

Upon others they exerted their influence, by saying, that they only sought the peace of the church, and if the people should succeed in obtaining their candidate, the four fathers of the church, "the sincerest friends of the congregation," must be turned out of the Eldership. By these arts, several who signed the first petition to the Session, and several estimable characters too, who were ever the friends of Mr. Ely, were disposed to relinquish their right to call him, that they might not disoblige the jealous Elders.

When the congregation was convened on the 7th of June, at the call of the Elders, a great majority were ready to make out a Call immediately; but, for the consideration already stated, were induced to postpone the consideration of the **QUERY**, that they might invite Mr. Ely to preach as a probationer for three months, according to the rescinded agreement of the Session. The congregation was generally of opinion that this course would be most likely to reconcile all parties. The four Elders were opposed to it, because they imagined the minority in the congregation would be so powerful, if a Call was at this juncture made out, as to deter the pastor elected, from accepting it; if not the Presbytery from allowing it to be prosecuted. Having postponed the resolution for appointing a time of election, it was "Resolved, that the Rev. Mr. Ely be forthwith invited to preach for this congregation as a probationer for three months," and then the meeting adjourned until the first Monday in October following.

On taking the question of adjournment, one of the majority of Session protested against it, because he thought it would deprive the Session of its power over the congregation in the concerns of an election; while two others of the majority of Session admitted, as every man of sense ought, that the congregation being once legally convened, had a right to meet on their own adjournments. At the next congregational meeting, however, it will appear, that these four chosen Elders, one and (in future) indivisible,

presented a written protest against the adjourned meeting, as illegal, because forsooth, these four Elders did not like the person whom they knew would be elected to the office of Pastor.

Let it be remembered, that this meeting of the Congregation, however, was called by the Elders; and that a Ministerial Moderator, the Rev. George C. Potts, was duly invited, even by the opposing Elders. This meeting being organized, might certainly do any business to which a Congregational meeting is competent; and they might defer the consideration of one subject, and take up another, or assemble again on their own adjournments—which things they did; and the same Reverend Moderator presided. If, however, a Session may dictate to a Congregational meeting, and decide what they may, and what they may not do, the liberties of a religious Congregation may as well go to the moles and the bats.

A LETTER FROM THE COMMITTEE OF INVITATION.

Philadelphia, June 7th, 1813.

Reverend and Dear Sir,

At a large and respectable meeting of *the Pewholders of the Third Presbyterian Church*, held this day, agreeable to notice given by the Session on the last Lord's day, the following resolution was adopted:—

“Resolved, That the Rev. Mr. Ely, be invited to preach as a probationer, for three months, and that a reasonable compensation be given him for his services.” (Yeas 135, nays 29.)

The subscribers were unanimously appointed a committee, on behalf of the Congregation, to inform you, and to request your compliance with the above vote. We do therefore, Rev. Sir, in the name of the Congregation most affectionately invite you to come, as soon as convenience will permit, not doubting but that the hand of the Lord hath guided us in the business hitherto, and fully impressed with the belief that the Great Head of the Church hath a work for you to do in our city. The Congregation are exceedingly anxious that you should be here on next Lord's day, as there is no supply for the three following months; but should it be inconvenient for you to come so soon, we will not press you, but by the divine permission we will expect you early the next week.

We have the pleasure to inform you, that although much pains had been taken to reduce the majority, yet the Congregation continued fixed in their purpose, to have you as their probationary candidate; and united their prayers with their wishes, that when you

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come it may be in the fullness of the blessings of the Gospel of Christ.

With sentiments of Christian affection and esteem, we have the pleasure to subscribe ourselves,

Reverend Sir,

Your professing brethren in the Gospel of our Dear Lord.

FERGUSON M'ELWAINÉ,
JACOB MITCHELL,
JAMES STUART,

Committee.

Rev. Ezra S. Ely.

P. S. If you cannot come on by the next Lord's day, please inform us by return of mail.

MR. ELY'S LETTER IN REPLY.

New-York, June 10th, A. D. 1813.

To Messrs. Ferguson M'Elwaine, } Committee of the Third
Jacob Mitchell, and } Presbyterian Congrega-
James Stuart, } tion in Philadelphia.

Christian Brethren,

In answer to your communication of the 7th instant, I reply, that I have spread your letter before the Lord, and submitted myself to his disposal. After prayer, and solemn deliberation, I am convinced that it is my duty to come to you, that I may preach Jesus Christ in your city also.

My engagements are such in this city, that I cannot promise to preach in your church before the 20th of June; at which time if the Lord permit, I will not fail to be present. I shall previously be with you in spirit; and I solicit your prayers, that whether I shall be with you a longer or a shorter time, my work may not be in vain, in the Lord.

With sentiments of respect for you brethren, and for those whom you represent, I subscribe myself, your fellow-servant of Jesus our common Saviour.

(Signed) EZRA STILES ELY.

A few hours after Mr. Ely had sealed his letter to the Committee, he received the following communication, which could not have been forwarded on the day of its date, or else must have been detained a day longer than usual in the Post Office.

LETTER FROM CAPTAIN WICKES TO MR. ELY.

Philadelphia June 8th 1813.

Rev. Sir,

It is with great Grief of Heart that I am constrained to address you on so unpleasant a subject as this Letter will contain.—Through you as the cause the Congregation Worshipin in the 3rd. Presbyterian Church in this City has been thrown into great confusion & distress, And if the measures that has been persued, are continued it will be broken up.—

But it is not too late yet for you to take such steps as shall restore Peace unto us, And prevent a succesful President of disorder and Irregularity to be made a rule in the Churches.—In a Congregational Meeting yesterday for the Purpose of taking the vote of the People to know whether they were Prepared to appoint a time to Vote for, & make choice of a Minister, Instead of going into that measure it was Postponed, and an other Introduced in its place, & was carried through by mere force of present Power.—Who had taken their measures at a Meeting on Friday evening last held in a Schoolhouse for the Purpose & carried their point which was to invite you to come & preach as a Probationer for three Months, & a committee appointed to write to you & give you the Invitation.—This I suppose has been done, & by flattering words you may think your way clear, & you have a flatering Prospect of a comfortable settlement.—But this Morning before Sunrise as I was walking the Street to the Navy Yark where I am at Present employed, It was strongly impresed on me as a Duty not to suffer you to come under a deception, and that I ought to inform you of the opposition that does exist against your Preaching in Pinestreet Meeting on any Terms whatever.—And first the sission is against you, which if alone ought to prevent you, And you will see by the Vote yesterday your Interest among the Congregation has considerably diminished from what it was at the commencement of the disorderly proceedings that has been made manifest in this business.—At one time there were 173 Names to a Paper in your Favour. On this occasion the utmost efforts of your Friends could only obtain 120 some odd Votes in your Favour.—The few that appeared in Vote against you were those alone who had firmness given them to oppose what they thought would have the effect to destroy the Peace & Union of the Church,—Many among us has been so much hurt at the Proceedings in this Business, & being disposed to Peace & Order, do avoid taking any active part in the disorders that are among us, Who it is my opinion if you shall come among us you will find will absent themselves from their places in the Church.*—I am free to say that some of the most Antient among us who have contributed to the support of the Church almost if not altogether since it had existence will be driven from it.—As to myself I have been a Wor-

* Captain Wickes and Mr. Robert M'Mullin did absent themselves during three months, but the other two elders occasionally attended. It is not known, however, that any one family of the congregation entirely absented itself even for three months.

shiper in it as far back as 1770 & have had a place in it as Trustee very many years baek, & as an Elder about 20 years.—Yesterday I was actually driven out, by being denyed the Privilege of defending my own Character, & was actually told that the Rule of the Church was in other hands, Now sir if these things are so, what is your Prospect of doing any good by coming among us so divided.—At present it is in your Power to restore us to Peace by refusing to come among us, but if you shall come which can hardly be thought by any disinterested Person that you will, you must take the Responsibility on yourself you are apprised of the opposition in part and it must rest with yourself.—I shall keep a Copy of this Letter, & leave you free to make use of the original as you please, but as this is An act of my own, it will rest with me in intire silence if you give not the occasion for it to be brought forth—

I really wish you may be made abundantly useful in the cause you have undertaken to Labour in, but abundant proof has been given that it cannot be here—

I am your Humble Servt.

(Signed)

BENJAMIN WICKES.

From the preceding letter, Mr. Ely had good reason to expect opposition; and he knew that his character must stand the test of a fiery trial in Philadelphia, or must be obscured by the smoke and blackness of slander for ever. He could not but choose to visit the people who had invited him; unless he was willing to admit that his doctrines and life could not stand the scrutiny of three months. Besides, he entertained the expectation that his opponents, if good men, would either relinquish their prejudices, or else be able to convince the congregation, that their objections were well founded, and thus settle the dispute.

But could he or any other man have calculated upon secret attempts to stab his reputation in the dark, from members of the Christian church? A weak and wicked purpose was disclosed by the following letter sent to him through the post-office of Philadelphia, on the 19th of June, 1813.

TO THE REV. E. S. ELY.

“Extract of a letter dated New-York—

“I notice that you mention Ely being called to your church for three months—Dr. ***** with whom I am very intimate, being informed of the above by me, seemed, very much astonished, saying in his professional way he had lately attended some Ladies of pleasure, among other persons who he suspected of visiting them was Ely—The Girls confirmed him therein by asserting that Ely did frequently visit them. The young men of Pine Street Church will have an ex-

cellent example in such a Pastor—I have not the least doubt from the manner I have received it, but it could be substantiated.”

This letter was received on the morning previous to the first Sabbath of his probation; and was undoubtedly intended to wound his feelings, and exasperate him to some degree of imprudence. Copies of the same letter, in the same hand-writing, were sent also to Mr. Smiley, and Mr. Stuart, that they might be induced to believe their friend an immoral man.

On the morning of the following Saturday, Mr. Ely received another letter, of which the following is

A COPY.

Philadelphia June 25th 1813.

Revd Sir,

As you are expert in answering questions & well able to remove all difficulties in the way of your friends Please to preach from one of the following Passages of scripture on the next Sabbath Romans 16th and 17 Now I beseech you Brethren mark them which cause divisions and offences contrary to the doctrine which ye have learned & avoid them Matt 18 & 7 Woe to the World because of offences for it must needs be that offences come but woe to that man by whom the offence cometh. If thou bring thy gift to the altar & there remembreth that thy Brother hath ought against thee & These Passages have been quoted by some persons who not knowing their meaning have supposed them applicable to you, you will please therefore to preach from those Passages such sermons as you may deem suitable to the occasion and that you are not the cause of offence to any but that they are wicked & unreasonable who will not think well of you for it does appear to me that you are a very fine man and if you were not so you would never have come here to vindicate your character & oppose the enemies of the church as you have done and this makes people say that you are not like the apostle Paul & some others but I think you are a very great man like David who slew the Giant.

I hope you will always support the true Democracy of the church, as Mr. Smiley & Mr. Stuart have done and turn out all these aristocrats that pretend to be wiser then the People I hope, 'sir, you will be undaunted & fear nobody because you are supported by a large majority of the people & you need not care whether a few men who have no influence now & who must be turned out you may make yourself easy & only shew them you are not afraid and we will support you through thick & thin.

This from your sincere and obe,,t

Servant

A FRIEND TO THE CHURCH.

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Without paying any attention to the opposition, Mr. Ely preached, during the space of eleven weeks, twice on the Sabbath, and on Wednesday and Friday evenings. His ministry was universally blessed, both to professing christians, and to some who had hitherto been heedless. Under his ministrations a considerable number were awakened to the concerns of eternity, and many of the saints were edified. Indeed, had the people of Pine-street enjoyed no more of his ministrations, they would long have been grateful for these. Before his term of probation had quite expired, he thought it expedient to return to New-York, to transact some business for an absent brother. He remained in that city during the month of September; and in October, took a missionary tour to Washington and its vicinity. In the places which he visited, at his own charges, God was pleased to give not a few seals to his ministry; and many hundreds of our fellow christians rejoice, that they were permitted to hear the Gospel from his lips.

In the mean time, on the 20th of September, 1813, came on the annual election for thirteen Trustees. To show their marked disapprobation of the majority of the Session, Messrs. William Haslett, J. M'Mullin, R. M'Mullin and B. Wickes, who had been Trustees for many preceding years, were not re-elected; they having only twenty-four votes, and the persons who were elected in their place 112. Even in the infliction of this merited censure, the congregation proved their moderation and delicacy; for, at the particular request of Mr. Stuart and Mr. Smiley, they were omitted also; and two of the old Trustees, one of whom was opposed to Mr. Ely, and the other, at this time, neutral, were continued in office, without opposition; because they had not taken any part in the Sessional oppression.

To these events succeeded in order,

THE ADJOURNED MEETING OF THE CONGREGATION.

Extract from the Minutes.

Philadelphia, October 4th, 1813.

An adjourned meeting of the Third Presbyterian congregation was held in the church, agreeably to the following notice, which was read from the desk on the Sabbath preceding, viz.

“ The pew-holders of this congregation will please to take notice, that agreeably to adjournment, they will meet in this Church to-morrow morning, at 10 o'clock, TO RESUME THE CONSIDERATION OF THE

“ SUBJECT REFERRED TO THEM BY THE SESSION, AT THE CON-
 “ GREGATIONAL MEETING, ON THE 7TH OF JUNE LAST, NAME-
 “ LY,

“ *Whether the people be prepared to appoint a time to elect a pastor
 “ for this congregation?*”

“ October 3d, 1813.

(Signed)

“ John W. Scott,
 “ Clerk of the Congre. Meet.”

At this meeting, the Rev. George C. Potts presided; and John W. Scott was clerk.

The meeting having been opened with solemn prayer by the Moderator, the minutes of the former meeting were read, when, on motion, the question was then stated by the Moderator,

“ *Whether the congregation are prepared to appoint a time to go into
 “ the election of a pastor?*”

Messrs. James Stuart and William Nassau were appointed to count the votes, who reported one hundred and six votes in the affirmative: and on the moderator's reversing the question, there appeared no votes. Therefore the question was carried in the affirmative, unanimously.

The following Resolution was then proposed, and, on the question being taken, was unanimously adopted, viz.

Resolved, that the pew-holders of this congregation will meet in this church on Monday, 11th instant, at 10 o'clock in the morning, for the purpose of electing a Pastor, and that public notice be given from the pulpit, of said meeting, on the preceding Sabbath.

The following Resolution was then proposed and unanimously adopted:

Resolved, that William Nassau, Jacob Mitchell, and James Finley, be a Committee to wait on the Session, and request they will solicit the presence and counsel of a neighbouring Minister, to assist in conducting the election contemplated to be held on the 11th instant. And if the Session shall decline or neglect to comply with said request, then said Committee will proceed to carry into effect the object of this resolution.

The meeting then adjourned.

(Signed) GEORGE C. POTTS, Moderator.

(Signed) JOHN W. SCOTT, Clerk.

In pursuance of the object of their appointment, the Committee waited on Session; but the result was,

A PROTEST OF THE FOUR ELDERS AGAINST THE CONGREGATIONAL MEETING.

“October 5th, 1813.

“On motion resolved, that viewing as we do the late meeting of

the congregation, unconstitutional and irregular,* (no application having been made to Session for their concurrence or approbation; and the same disregard to the authority of the Session is recognized in the above Resolution, as the refusal of Session to perform the service requested, appears to be no bar in the way of the proceedings of the congregation, the Committee being instructed to carry the Resolution into effect without their aid and concurrence,) Wherefore, Resolved, that the Session decline taking any part in the business to be transacted at the next meeting of the congregation, or preparatory thereto, conceiving it to be irregular, and they reserve to themselves the right of protesting against the proceedings of that as well as of the former meeting, as unauthorized by the Constitution and form of government of our Church, which we consider ourselves solemnly pledged to support.

“Resolved, that the Committee be furnished with a copy of this resolution, and that the Clerk be instructed to read a copy of the same, at the next meeting of the congregation (to be held, as we understand, on Monday the 11th October, at 10 o'clock,) as notice of the views of Session in reference to their irregular proceedings.

“Extract from the minutes.

(Signed)

“JOHN M'MULLIN, Clerk.”

It is true, that the Session's declining to do their duty, was no bar in the way of a regular election, for the election of a Pastor in a Presbyterian church is purely congregational: and in multitudes of cases, Pastors have been elected by Congregations which had no Session. Besides, the Constitution of the Presbyterian Church admits, that in some cases an election may be valid in a Presbyterian Church, when no Ministerial Moderator is present. When it is “highly inconvenient on account of distance, to procure a minister, the congregation may proceed without such assistance.” *Form of Government*, 14. 1. Now if an election may be valid in some cases without a Moderator, it may be valid in some cases of difficulty, whatever may be the cause of that difficulty, if the Session do not solicit the presence of a Moderator; for if we can dispense with a Moderator, we can with the invitation of one.

The practice of the Church in Pine-street proves, that the consent of the Session to an election, was never deem-

* These four wise men thought the congregation, when convened by them, had no right to do any thing but attend to the Sessional Query proposed to them; and because the congregational meeting was adjourned without their consent, they call the adjourned meeting unconstitutional. But who put the church into leading strings, and made these men sole guides?

ed by the Congregation, or by the Presbytery, essential to the validity of an election. It appears from the minutes of the Trustees, (for no Sessional records were kept, until lately, by the Session of this church) that on January 21st, 1800, the Trustees agreed to call a meeting of the congregation on the 27th of the same month, of which they gave public notice on the Sabbath previous. The congregation met on the 27th, and appointed the 11th of February for the time of choosing a pastor, when they elected Mr. Linn. On the 7th of March, 1800, the Trustees appointed a Committee to prosecute the Call to Mr. Linn before the Classis of New-York.

On the 1st of August, 1800, the Trustees agreed to convene the congregation on the 4th, to consider about the choice of a Pastor, when the people met, and adjourned to meet on the 11th, on which day they elected the Rev. Dr. Milledoler. On the 5th September, the Trustees appointed a Committee to prosecute this Call. By whom the people were convened, when Dr. Alexander was elected, we have no minute to inform us.

From these facts it appears, that the Session of Pine-street Church never had the *exclusive right* of regulating congregational meetings, for the choice of spiritual leaders. Neither does our form of government say by whom the meeting of the people shall be warned.

The second section of Chap. XIV. says, that "on a Lord's day, immediately after public worship, it shall be intimated from the pulpit, that all the members of that congregation are requested to meet, on — ensuing, at the Church, or usual place for holding public worship; then and there, if it be agreeable to THEM" (*not to the Session*) "to proceed to the election of a pastor, for that congregation." It is not said that the Session, or the Trustees, or a Committee, shall direct this intimation to be given; but the margin of the preceding section says, that "A CHURCH disposed to prepare a call in order to ordination, shall ask the assistance of a minister;" whence it is inferred that a Church, either by their Session, or by their Trustees, or in any other manner agreeable to them, may take all the necessary steps previous to an election.

What this Church is, we are informed in the 1st Chapter of the Form of Government, and it may or may not have elders; and if it has them, may or may not act without, in all cases except those of *discipline*, in which elders are the

representatives of the people, to exercise government in conjunction with ministers.

“A particular church consists of a number of professing Christians, with their offspring, voluntarily associated together, for divine worship and godly living, agreeably to the Holy Scriptures; and submitting to a certain form of government.” *It is this CHURCH* which may ask the assistance of a moderator, and convene for elections at their own pleasure. Within the bounds of the Presbyterian Church, and particularly in the western part of the State of New-York, are many churches under the care of the General Assembly, who have no elders; and yet their elections are valid. Had not the Session, therefore, called the congregational meeting which adjourned; the acts of the adjourned meetings would have been constitutional and valid.

SECOND ADJOURNED CONGREGATIONAL MEETING.

Philadelphia, Monday, Oct. 11th, 1813.

The Congregation met this morning at the Church, agreeably to the following notice read from the pulpit yesterday, viz.

“The pew-holders of this congregation, male and female, will please to take notice, that agreeably to a resolution unanimously adopted at a meeting held by adjournment on Monday last, and originally called by the Session, they will meet in this place to-morrow morning at 10 o'clock, for the purpose of choosing a Pastor for this church.

“Oct. 10. 1813.”

(Signed)

William Nassau,
James Finley,
Jacob Mitchell,

Committee.”

The Rev. John W. Doak presided as Moderator, who opened the meeting with solemn prayer.

John Duffield was appointed Clerk.

John M'Mullin offered a paper to the following purport, which, on motion, it was resolved he may read, which was done, and laid on the table, viz.

“Resolved, that should the congregation meet in the Church on Monday next, and proceed to take a Call for the Rev. Mr. Ely as pastor of this Church, that Mr. John M'Mullin be our commissioner to attend such meeting, and in our name and behalf, to enter the protest of this Session* against their irregular proceedings, and against the Call to Mr.

* Meaning John M'Mullin and three other Elders, in opposition to three other Elders, without any constitutional moderator. *Did Mr. M'Mullin vote for himself?* If not, the votes would have been three versus three.

"Ely, and that he give notice that we will lay before Presbytery, at their next meeting, our solemn protest and remonstrance.

"Extract from the minutes of Session.

(Signed)

"John M'Mullin, Clerk."

"Oct. 9, 1813."

[From the preceding resolution in the board of the Elders, Messrs. Ferguson M'Elwaine, James Stuart and Wm. Smiley dissented.]

It was moved and seconded, that the Congregation now proceed to the choice of a Pastor. On the question being put by the Moderator, it was carried in the affirmative, *unanimously*.

Paul Cox and John Workman, were appointed tellers; when, the ballots being taken, it appeared that the Rev. EZRA STILES ELY was *UNANIMOUSLY* elected, having *one hundred and forty seven votes*, no other candidate being ballotted for.

A Call was prepared and read by the Moderator.

On motion, resolved *unanimously*, That the first blank be filled with **EIGHTEEN HUNDRED DOLLARS.**

On motion, resolved *unanimously*, That a committee, consisting of Ferguson M'Elwaine, James Stuart, William Smiley, and the Board of Trustees, or a majority of them, be appointed, on behalf of this Congregation, to sign and forward the Call to the Rev. EZRA STILES ELY.

On motion, resolved *unanimously*, That James Stuart, Jacob Mitchell and Wm. Smiley, be Commissioners, on behalf of this Congregation, to ask leave of the Philadelphia Presbytery, to prosecute the Call.

On motion, resolved *unanimously*, That the above Commissioners, together with Mr. John E. Caldwell, of New-York, be appointed to prosecute the Call before the New-York Presbytery.

Resolved, That when this meeting adjourn, they shall adjourn to meet at this place on the 4th Monday of this month, or 25th inst.

Adjourned.

(Signed)

JOHN DUFFIELD, Clk.

PRESENTATION OF THE CALL.

The Commissioners appointed at the meeting of the Congregation on the 9th of October, met the Presbytery in the latter part of the same month, at Neshaminy, and duly presented the Call, which they requested leave to prosecute. Before the Presbytery entered on the business of the Call, they took up the minute of the last Synod in relation to the former proceedings of the Presbytery, and, after a preamble in the true style of legal obscurity, adopted sundry resolutions which have since been generally denominated "*The Decretals.*"* These will appear under their proper head, after the following document.

*In allusion, it is supposed, to the Decretals formerly issued by the Pope and sometimes denominated "Bulls," which peremptorily decided matters of faith and discipline.

THE PROTEST AND REMONSTRANCE

Of the four Elders, addressed to the Presbytery of Philadelphia, at their Session in October, 1813.

To the Rev. the Moderator of the Presbytery of Philadelphia.

Rev. Sir,

We are constrained by the unhappy circumstances in which we are placed as a Session, to address you as the guardians of the peace, the unity, and the purity of that branch of the Presbyterian Church to which we belong, and we beg the serious attention of your Rev. Body to this our protest and remonstrance.

We need not, we presume, intrude upon your patience, by going into a particular and minute detail of all our grievances, as you are already in possession of the origin of the evils under which we labour, and of which we complain. We would however direct your attention to a few of the leading circumstances for your consideration.

And first, we have viewed with concern the exertions which have been made to stir up the minds* of our Brethren in opposition to the views and conduct of our Session, to this we believe much may be attributed.

We would notice in the second place, the impropriety of persisting in the choice of a particular candidate for the pastoral office in a church, when it is known a respectable part of the Congregation cannot unite in him, and that his coming will of necessity cause a division in the Church, and here we beg the serious attention of Presbytery to what we are constrained solemnly to avow and declare (as what we have been impelled to by the dictates of conscience and the knowledge we have of the character and conduct† of the candidate in question) that we cannot unite with the Rev. Mr. Ely, in the discharge of our duty as a Church Session, nor can we sit under his Ministry‡ with any prospect of advantage if he should be by any

* This is a most unfounded and calumnious assertion. No exertions were made to stir up the minds of the people against the four Elders. The Congregation were calmly, but firmly, persisting in maintaining their privileges. With respect to Mr. Ely, the great body of the people, as if actuated by one impulse, from the first desired to have him for their Pastor. There was therefore no occasion to stir up the people's minds. But did not, on the contrary, the four Elders endeavour to stir up the minds of the people against Mr. Ely? Answer, ye strict observers of the ninth commandment! Answer.

† Aye, "the character—the character—and the conduct—and the character" of Mr. Ely—was constantly whispered about, and sly insinuations made, like the above insinuations to the Presbytery. Mr. Ely, as will be seen in the sequel, has been, in consequence, put upon trial for his character, and has passed through the hottest fire of malignant persecution, unhurt and unsinged.

‡ Can any thing more completely display an unchristian disposition than this? more bitterness? or more malignancy? Will these

means appointed Pastor of the Third Presbyterian Church, and we believe there are a number of the members of the Congregation who are in the same situation with ourselves.

The Session of this church has long enjoyed the confidence of the Worshippers, and the public ordinances were conducted with reverence and to the spiritual edification of the people. But certain individuals* erroneously imagining that the foundation of ecclesiastical power, like that of civil government, originated with the people, have, by the sound of their numbers, and with an address but too successful, taken away from the Session not only their influence, but have overruled the Session and acted at their own pleasure. The Session had discerned from the "Form of Government" that it was left to them to decide whether the people appeared prepared to elect a Pastor,† and that when that question should be determined in the affirmative, that the same Form of Government and discipline gave the Session the power to solicit the counsel of some neighbouring minister to assist them in conducting the election and taking a Call. But when the Session had been imperatively required to convene the people by the friends of Mr. Ely, and when they had uniformly stated that it had not yet appeared to them that the people were ready to sign a Call (which was peremptorily denied by their opponents) the Session at length on motion resolved, that the Congregation should be invited to meet in the church on Monday 7th June, at 10 o'clock in the forenoon, for the purpose of considering whether they were prepared to appoint a time to go into the choice of a Pastor for this church, &c. But when the people had been convened and this question proposed, the friends of Mr. Ely (who had so strenuously asserted the people's preparedness to take a Call, and had accused the Session both before Presbytery and Synod of acting arbitrarily in hesitating to convene the people to take a Call for Mr. Ely) refused to consider the question proposed by the Session to the people, and without any authority from the Session, voted to call Mr. Ely upon trial for three months, and have actually employed him for that space of time, not only without the consent, but in the face of

very conscientiously scrupulous Elders have any objection to sitting down with Mr. Ely, in the Kingdom of Heaven!

* These "certain individuals" are almost the whole of the Congregation.

† If this matter were left to them, *they might choose to be blind*; but these men have a keen discernment, when something is to be discovered which will justify their assumption of the privilege of the people. In a note to the caption of the xiv. chap. of gov. which treats of the election and ordination of Bishops or Pastors, the compilers of our Confession say, concerning *sundry circumstances and arrangements in the order of God's house*, that they "are and must be left, in a great measure, to human prudence, assisted by some general directions of Scripture." Had the four Elders read this note, and the marginal title of the first section, they would have found that a church can judge, not only when they appear to be prepared, but when they actually are prepared to elect a Pastor.

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an express resolution of the Session previously made to the contrary.*

The Session had indeed offered in the Spring to take him on trial on the first of June as a compromise, and to prevent appeals which were disagreeable to Session as well as the Superior Judicatories; but Mr. Ely's friends not accepting the compromise, but putting the Session to all the trouble in their power, and constantly disavowing before the Presbytery and Synod their concurrence in such agreement, the Session had on mature deliberation and conviction of the evil consequences which would result from such a measure, rescinded their resolution on the first day of June, and in its place had determined to submit the question of preparedness for their own better information as has been mentioned.

The friends of Mr. Ely thus refusing to enter upon the question submitted to the Congregation at the day appointed by the Session, they have, under the pretence of an adjournment, which is wholly without the authority or consent of the Session, monopolized the powers of the Session, and against their will have proceeded, not to consider with a view to the Session's decision, but to decide a question not submitted for their judgment; and have also monopolized the still farther power of the Session to cause a Call to be taken for Mr. Ely. Thus have the powers and proper business of the Session been extorted from their hands, and the order of the House of God become subverted. We believe there are few if any of the Ministers in the Presbyterian Church, whose coming, if called by a majority, would be followed by the same unhappy consequences of banishing from the Church a number of the ancient worshippers and sincerest friends of this Congregation.‡

We do therefore most solemnly protest against the means which have been resorted to, to subvert the regular and constitutional mode of conducting, by the proper officers, the spiritual concerns of the Church, by an appeal to the people, as what is calculated to destroy the peace and good order which our excellent constitution is so well calculated to promote—We protest against the conduct of Mr. Ely in

* The Confession, &c. never gave them the power of supplying the pulpit. If there is no minister present, Elders may read, and pray, and preside in public worship; but every Congregation may supply their own pulpit; provided they do it by one in regular standing in the Church.

‡ Kind sirs! What if you did not tell the Congregation about what subjects they might think, speak, and vote! As for your *causing a Call* to be taken or made out, for any one, neither the Bible, nor the constitution, nor your brethren, ever gave you that power; but a power to be the servants of the Church in the invitation of a Moderator. Because you will be chief among your brethren, you have become the servants of all. Had not your pride prevented you from doing your duty, you might have been honoured in your service.

‡ These rulers, having resolved to subdue the people in the case of Mr. Ely, became so kind as to say, "give him up," i. e. "yield to us," and we will then agree to the choice of any other minister in the Presbyterian Church.

accepting an invitation to preach, and in visiting the Congregation, without the approbation of Session, as he must or ought to have known that he was unconstitutionally invited.*

And finally we protest against the proceedings of those of the Congregation who have voted a Call to the Rev. Ezra Stiles Ely as pastor of this church, as irregular, as untender towards the consciences of their brethren, and as what would of necessity lead to the dismemberment of the church, a consequence which we humbly intreat your venerable body to prevent.

Begging your serious consideration and kind interference in the premises, we do hereby appoint Captain Benjamin Wickes, John M'Mullin and William Haslett, our commissioners to lay before your Rev. Body this our protest and remonstrance.

With earnest wishes that the pleasure of the Lord may prosper in your hands, we are very respectfully, &c.

(Signed)

BENJAMIN WICKES,
JOHN M'MULLIN,
WILLIAM HASLETT,
ROBERT M'MULLIN.

A true copy.

(Signed) J. M'MULLIN, Clerk.

It should seem from the preceding paper, that *Robert* had the honour of appointing his brother John and two others *our commissioners*; and they in return we suppose, concluded that *HE* should represent *THEM* in the Presbytery to which *HE* sent *THEM*! The thing is too ludicrous to dwell on, but it speaks volumes to the intelligent mind.

POSITIONS, OR, THE DECRETALS.

A transcript of a record of the Synod of Philadelphia upon an appeal brought before them by certain individuals of the Third Presbyterian Church of the said city, from a decision of this Presbytery, occasioned by a protest and remonstrance preferred to Presbytery, by the said persons, against a majority of the Session of said Church, having been laid before Presbytery; and it thereby appearing that the proceedings of Presbytery were adjudged irregular, &c. and the whole business referred back to Presbytery, for their reconsideration; the Presbytery of Philadelphia have therefore seriously and deliberately reviewed their proceedings, the causes of appeal, and the judgment of the Synod; and do adjudge that if any injury has been sustained by the individuals above mentioned, they have not pursued

* He could not have known any such thing; for no law forbids a people to invite a probationer without the consent of the elders; and when a congregation becomes vacant, the people not unfrequently appoint a "committee to procure supplies," which contains persons not of the session.

such course of proceeding as that the Presbytery ought to, or can give them relief.*

That, nevertheless, the views of Presbytery may be understood, and all may know what they conceive to be the regular form of procedure in such case, the Presbytery will lay down the following POSITIONS.

I. A majority of the people do not constitute a Church without their officers; nor can they be received as complainants except as individuals; for otherwise a church may be formed within a church and confusion arise.†

* Could not the Presbytery have proceeded to examine witnesses upon oath, and thereby ascertain whether the Session had refused to perform their duty? Could they not, upon finding from legal testimony that the people had been long prepared for an election, have directed the Session to procure a Moderator? Could they not judge from the records of the congregational meeting which had lately elected Mr. Ely to be their pastor, that the people were prepared to elect, and that, if said election was deemed irregular by the Presbytery, the Session ought to be required to promote a regular meeting by inviting a moderator?

† Such is the obscurity of some of these decretals, and such the absurdity of others, that it could hardly be supposed any man of mind had composed them, or a Presbytery of common sense adopted them.

"A majority of the people do not constitute a church without their officers!" Luke, then, made a great blunder, when he wrote, Acts 15, 4, that when Paul and Barnabas "were come to Jerusalem they were received of the church, and of the apostles, and elders," in which place he separates the officers of the church from the church; and still calls it a church. In the 22. v. he says too, that it pleased "the apostles and elders, with the whole church, to send chosen men;" so that Luke thought there might be a *whole church* without the Elders; but poor, ignorant man! he never sat at the feet of our modern Gamaliel. He speaks too, Acts 14. 23, of ordaining "elders in every church," in which *church* there were not elders previously to their ordination; but still Luke thought that the people constituted a church without their officers; and the Holy Ghost speaks, of setting officers over the churches; as if there were churches without any bishops, or deacons, or elders, and which therefore need to have some ordained. According to the Confession of Faith, and the Bible, a company of people may assemble in any public or private house, as a *church* did in the house of Nymphas and of Philemon, and may receive the Christian ordinances from an Evangelist; and may remain a church for years, having only occasional preaching, without any stated officers. This assembly may agree to submit to the Presbyterian form of government, may be occasionally supplied by a Presbyterian minister; and long after they have been known as a church, may elect one to be a pastor, and several to be elders, who may be set apart to their respective offices. The definition of "a particular church," in our Form of Gov. ch. 1. Sec 4. says not a word about the existence of a pastor, or an elder, in a particular church, as essential to the being of a church; and had all the Elders of the Congregation in Pine-street died during the time of some vacancy, the church would have sub-

II. The Presbytery hath cognizance, of all things that regard the welfare of the particular churches within their bounds,* which are

sisted without them, and the church might have elected both pastor and elders; yes, and we suppose the Rev. Presbytery would, in such case, have set the persons elected over *the church* without delay.

“*Nor can they be received as complainants, except as individuals!*” That is to say, one man may complain, as an individual; but he cannot complain as a member of a Congregation in conjunction with 172 other individuals; who feel that their social privileges are abridged by the Elders! Strange doctrine! The majority of legal voters in a city, lawfully assembled in public meeting, cannot remonstrate or complain of political oppression, in any other capacity than that of insulated individuals; and the majority of the House of Representatives in Congress, cannot by a solemn vote, impeach their speaker for misconduct, for this sage reason, *otherwise there would be a Congress formed within a Congress, and confusion arise!*

This first position, we suppose, is a model of a Presbyterian syllogism. It contains two propositions, which have no connection with one another, and an inference which has no dependence upon either; and every part is false. Unless the officers of a church are the church, and unless the majority of a people are the same church too; we cannot apprehend any danger of the birth of such a monster as “a church within a church.” We apprehend, that no church will be visited with such an awful pregnancy, if a church should complain of the conduct of the majority of its officers, and a Presbytery should proceed to correct the errors of the same. If the Elders constitute one Church, the professing people of God constitute *another*; and both churches may exist separately, and neither be within the other.

*“The radical principles of Presbyterian Church government and discipline are;—That the several different congregations of believers, taken collectively, constitute one church of Christ, called emphatically *the Church*;—that a larger part of *the church*, or a representation of it, should govern a smaller, or determine matters of controversy which arise therein;—that, in like manner, a representation of the whole should govern and determine in regard to every part, and to all the parts united, that is, that *a majority shall govern.*” Confess. p. 393. This is the doctrine of our standards. The Government of the Presbyterian Church is wholly *representative*. If any case of discipline arises, the brother, who has taken the previous steps, must *tell* the matter *to the church*: but if the judicatories of the church are not the representatives of the church, a complaint should never be brought before them, but before the whole congregation of nominal Christians, as is the case in all Congregational Churches. Upon this principle, the General Assembly is the Session of the whole Presbyterian Church, a Synod is a Session of less jurisdiction; a Presbytery, a Session of a smaller part of the Church than is subject to a Synod; and the Session of a congregation is that judicatory which consists of a minister and elders, who being duly organized, represent the particular Church with which they are connected. The Minister is essential to a Session, because he represents the Head of the Church, and the Elders are representatives of the body of Christ. Upon this same principle, a Presbytery has cognizance of all things in each particular church

not cognizable by the Session, and the powers of Session do not spring from the people as in the social compact, but from the Head of the Church.*

III. Though the errors of a Session can be examined and reversed; yet the Session is never amenable as a Session for misconduct, nor subjected to process for scandal, otherwise than as individuals. Errors of judgment ought not in such case to be viewed as crimes.†

IV. That the matters complained of cannot be examined upon a mere protest, which is an instrument in ecclesiastical judicatories, that shows a dissent, but is radically different from an *appeal*, though it may accompany the records on an *appeal*.‡ The members of Ses-

under its care, which are cognizable by a Session, and of many things in addition which are not cognizable by a Session; for one Congregational Session cannot rule in another church; but the Presbytery may exercise Sessional authority over churches which have neither ministers nor elders, and over all the Sessions which are within their bounds. In short, the Presbytery has the power "of ordering whatever pertains to the Spiritual concerns of the churches under their care." Confess. p. 390. The same is true of Synods, and the General Assembly, or Universal Presbytery; for they represent Christ and his Church, and act for them, by his authority.

* No power in the Church springs from the social compact; neither does it in the civil community; for all *right to rule*, is from the Supreme Ruler, and he who pretends to rule in Church or State, except by divine authority, usurps the authority of God. If men are chosen either in Church or State to rule over their brethren, God gives them authority to rule, according to the constitutions by which they are bound; but all their authority is from him. By his will, there is neither pastor, nor deacon, nor elder, in the church, without the tacit or expressed election of the people; but the elected persons are clothed with authority by ordination from God, or they could not lawfully exercise any authority. Even the kings of Israel were elected by the people; but God clothed the elected persons with office, when his prophets anointed them.

† Suppose, then, a Session should unanimously suspend a communicant for asserting the divinity of Christ. Would not the Session, as a Session, be censurable and even liable to suspension by a Presbytery? Should this same Session frame a malicious libel on the character of their minister, and by order of Session publish it; would they not be amenable? Each individual did not perform the scandalous act, but each contributed, and the whole did it. Each would be liable to the Church of which he is a member, for his individual crime, but the Session, as a Session, ought to be suspended, and their future proceedings declared null, by the Presbytery. Errors of judgment, when they proceed from wilful ignorance or negligence, are *criminal*, both in individuals and in all kinds of judicatories.

‡ That the *Address* of the Commissioners to the Presbytery, of March 22d, 1813, was not, *technically speaking*, a *Protest*, is granted; for a *protest* is that part of the records of any Judicatory, which is furnished by the minority of said body, and is designed to show the reasons for the dissent of the minority in any particular case. It is

sion only having a right to interfere with their records, no other persons can regularly protest against their decisions, much less against their general conduct.*

V. This complaint cannot be supported by analogy to legislative impeachments, because our form of government knows no such proceeding.†

VI. It was not an appeal, for this implies parties, a tribunal, and a decision of some kind passed.‡

VII. The persons abovementioned, and all others, have a right seriously and reasonably to propose any questions of doctrine and dis-

granted that the Commissioners could not interfere with the records of Session. What then? Does the Presbytery of Philadelphia wish to put off applicants, who come in the name of Christ's Church, with a quibble? In the common acceptation of language, it is perfectly proper for one man to *protest and remonstrate* against the injustice of another; or for fifty citizens to send a written *protest and remonstrance* to a Supreme Court, against the arbitrary proceedings of an inferior Court, which is amenable to the former, so far that the Supreme Court may do justice to the injured citizens, by reversing the judgment of the inferior Court.

* If then, a Session, by an unanimous vote, should decide, that no member of the Congregation should, for the space of thirty days, make any supplication in the Church to any God but themselves; or that all the people should worship a graven image, and should continue to pass and publish such sessional decrees, no *other persons*, besides themselves, could regularly, with good common sense and sound piety, *protest* against their decisions and general conduct before the Presbytery, which has a right to rectify, upon the complaint of any man, all which they find to be wrong in any Session, or Congregation, within their jurisdiction!! In any community, persons aggrieved have a right to complain to superior authority of injuries done by the inferior; and every member of the whole Church may remonstrate against the iniquity of his immediate rulers, to the whole Church, if he will only observe the prescribed method.

† What then? Still a *complaint* is a complaint, if it is neither in a technical sense a protest, nor an impeachment. Go to your legal quibbles, and leave the Church to better auspices!

‡ This is wonderful logic. The Presbytery might have said; the *address* of the Commissioners to the Presbytery was not an *address*, or the *complaint* was not a *complaint*, for the same convincing reason. They might have said, with as much propriety, that it was not a *petition*, nor a *reference*, nor an *impeachment*, for all these, as well as an *appeal*, imply parties, a tribunal, and a decision of some kind passed. In a complaint as well as an appeal, there is a party complaining, a party complained of, a tribunal complained to, and a decision of some sort passed. If parties, a tribunal and a decision, however, will make an appeal, the *address* was an appeal; for there were *parties* heard, by this same Presbytery, which pretended to be a *tribunal*, and they passed some very unintelligible thing, which they called *decision*. These reasons, therefore, which are intended to show that it was not an *appeal*, show that, according to the definition, it was an *appeal*.

cipline to be resolved by their Presbytery; and if the Session, or any individual or individuals, had required of Presbytery the interpretation of any part of the form of government, Presbytery were, and still are, ready, to afford their construction of it.*

VIII. It is the proper business of the Session of a vacant Church, to take notice when the people shall appear prepared to make a Call for a minister, paying respectful attention to any proper application from the people, and exercising their discretion in this matter, in the fear of God, and for the good of his Church. Their discharge of this duty is examinable by Presbytery on the petition of the majority of the people.†

IX. There may be instances in which it may not be the duty of a Session to proceed to take a Call when even a majority of the people are desirous of obtaining a particular probationer as their Pastor;‡ for they may have good reasons to believe him defective in

* Most gracious indeed! Questions may be proposed about the Confession and Form of Government, which are adapted to the humblest capacity, to a Presbytery which has a wonderful skill at darkening counsel by words without knowledge; but complaints, petitions, appeals, protests and remonstrances, must not be named; unless they should happen to be *against* the Congregation and their candidate; in which case they are very acceptable. You hear nothing against "the Protest and Remonstrance" of the four Elders.

† In this decree, the Presbytery have very unwisely asserted, what the framers of the Form of Government have not; that the Session are the exclusive judges when a people appear to be prepared to elect a pastor. Suppose that a Congregation being regularly convened by their Trustees, for any purpose, should vote that "the people appear to be prepared to elect a Pastor;" and should request the Session to invite a moderator; would not the Session be bound to comply? The next clause, (See the Form of Government) says that "the Session SHALL solicit the presence and counsel of some neighbouring minister:" and common sense would dictate, that the electors were the persons to judge of their being prepared to elect. The xiv. chap. supposes that a people may appear to be prepared when they are not; and being convened upon the appearance, the Moderator "shall announce to the people, that he will immediately proceed to take the votes of the electors of that Congregation, for a Pastor, if such be their desire; and when this desire shall be expressed, by a majority of voices, he shall then proceed to take the votes." The book does not say that *the Session* shall convene the Congregation; but they *shall*, upon an appearance of preparation to elect, invite a minister; and then *the People*, and not the Session, shall decide upon the fact of being actually ready to elect a Pastor. The Session have no discretionary powers to exercise in this case. The last clause of this VIIIth Decretal, however, is in direct contradiction to the IIIrd; for the VIIIth says that the Session are amenable for the discharge of their duty; and the IIIrd affirms that they are never amenable.

• ‡ What is intended by *taking* a Call, or who is to take it, unless it be the Presbytery, or Minister, after it is *made*, would require some lawyer to decide; but if *making* a Call, or preparing a Call, or conduct-

some respects, and likely to be of disadvantage, in which case it is not their duty to publish the facts or circumstances which have deterred them from acting, but when duly called on by the Presbytery upon the petition of such majority, they ought to assign them, for the direction of Presbytery.

X. When the majority of the people are dissatisfied with the delay or refusal of the Session to take a Call, they ought not to conceive dislike for their Session,* but peaceably apply by petition to Presbytery, who will hear and weigh the matter, and direct the Call to be taken if it shall appear to them to be best for the Church.

ing the election by which a minister is called, be intended, we assert that the legal electors vote to call a minister, and the moderator fills up the blank in the *form of a call*, with such a stipulated salary as the majority of the electors vote to give. The Form of Government does not contain a word about the *Session's* proceeding to *take*, or *make* a Call; for they are authorized to do no more in calling a minister than any equal number of pewholders, with this exception, they are authoritatively commanded by the Constitution to solicit the presence of some neighbouring minister. In selecting the minister whom they will invite, they may exercise their judgment, and get such a one as will probably give the best advice in case of difficulty, but they "*shall solicit*;" and if they will not, the Presbytery ought to censure them for a refusal to do their duty. The Session have no constitutional power to impede any election of officers by the people. If they have objections to the probationer they may state them, as any other members of the Congregation may, either to the Congregation assembled, or to the individual voters; and, after a Call is made out, to the Presbytery, which is to decide whether the Call may be prosecuted, or put into the hands of the person called. Any minister, or probationer, in good standing, may be called; and if there are any objections to his doctrine or character, they should be stated to the Presbytery to which he belongs. If all the Elders deem the probationer defective, their judgment in the matter of an election is nothing more than the judgment of an equal number of equally respectable men, who are not Elders, but electors like themselves. We defy all who oppose these sentiments to show from our standards, that the consent of the Session is necessary to the convocation of a Congregation, or the election of any ecclesiastical officer.

* No people ought to conceive dislike for others, without sufficient reason; but when the people of Pine-street Church, had good cause to be displeased with the conduct of the majority of Session, they did peaceably apply by petition, twice to the Session, and then to the Presbytery, in the language of respect, with the hope that a petition might obtain that which the congregation had a *right* to claim. It is to be deeply regretted, that the Session and Presbytery did not respectively hear and weigh the matter, as it became them, from the beginning; for the Congregation of Pine street have desired nothing but the free exercise of their right to choose their officers and spiritual pastor, in a constitutional way. We conceive, however, that even the Presbytery has no right, according to our constitution, to decide *when* a people shall, or shall not, proceed to the election of

XI. Although Presbytery for the sake of peace, did consider this proceeding without regarding its form, yet on reconsidering the matter, they are constrained to view it, as its language evidently designed it, an accusation of the Session.*

For the reasons above mentioned therefore, the Presbytery have no alternative left them but to dismiss the proceedings, which they do accordingly.

From the adoption of this paper, Messrs. Potts and Davis dissent. A true copy from the records of Presbytery,

(Signed) GEORGE C. POTTS, Std. Clk.

Philadelphia, Oct. 25th, 1813.

Of course the matter was dismissed, without any compliance with the injunction of the Synod; and then came the

REJECTION OF THE CALL.

A Call to the Rev. Ezra Stiles Ely was presented by certain persons styling† themselves Commissioners of the majority of the Third Presbyterian Congregation in Philadelphia, and permission was requested to prosecute it before the Presbytery of New-York. To this Call, opposition was made by the Session of said Church, who represented the proceedings of the congregational meeting, as having been irregular and unconstitutional. The Presbytery heard and received the documents relative to this business, and having fully heard the parties, the Presbytery directed them to withdraw; after which, they ordered the Clerk to read all the papers in order of time.

a pastor. It is not for them to judge whom it is best for the people to choose: but when the Call comes before the Presbytery, then commences their discretionary powers, of allowing the Call to be prosecuted, or of objecting to the person elected, or of choking the Call for some *sufficient* reason.

* What then, gentlemen! Are the Session of Pine-street *infallible*? Is it wrong to accuse them of a neglect of duty; when that neglect is highly injurious to the interests of religion? Until these four Elders can prove that they, being a majority of one in the Session, are incapable of doing any Sessional wrong, it must be maintained that a Christian people have a right to impeach their measures, and accuse them of refusing to perform their duty. Let it be proved that they are infallible, and then the churches may, if they please, elect them, in conjunction with the writer of the Decretals, as a *bench of Popes*; for Dr. Wilson says, "the Session is the Church!"

† Every effort seems to have been made, to represent the proceedings of the Congregation as illegal. The meeting was called, and a moderator invited, by the Session. This meeting transacted some business and adjourned. On adjournment the electors met, and appointed a time for the election of a pastor. Again they assembled

Presbytery having maturely examined the evidences laid before them, as well in behalf of those who have taken the paper* now before Presbytery, purporting to be a Call of the Third Presbyterian Church in the city of Philadelphia, as also, the evidence produced by the Session of said church; and finding that the said paper was not taken by or with the consent of the Session, and at most, a question only was proposed by them to be answered by the People, † to wit: Whether they are prepared to appoint a time to go into the choice of a Pastor of this Church?—Which proposition made by the Session to the people, was no surrender of that right which has been vested in them by the Constitution of the Presbyterian Church of taking a Call or not, ‡ subject to the judgment of Presbytery—It was, on motion resolved, That the said Call was taken contrary to the course of proceeding prescribed in the book of discipline; and, considered as an ecclesiastical proceeding, is null and void.

at the time and place appointed, due notice having been given of the intended election, and made out a Call. At this same meeting they appointed Commissioners of the Congregation to prosecute the Call, and then adjourned. Yet this Reverend Body makes a record of their "*styling themselves* Commissioners of the majority." They were as regular Commissioners as ever prosecuted a Call. There is a *littleness* in this Presbyterian innuendo, which beggars description.

* Now the instrument which the Presbytery denominated "a Call" at the commencement of this minute, has dwindled into a "paper, purporting to be a Call," &c. Go on, gentlemen; you labour well in your undertaking, which will establish your Presbyterian fame.

† Could the Presbytery believe, that a Congregational meeting, duly convened, had power to do nothing more than answer a question? Who gave the Session the power of confining the congregation to subjects proposed by four Elders? Suppose that the people had informed the Session they wished to be convened respecting the choice of a Pastor, and that the Session, when they were convened, had proposed to them this question, "How many square feet are there in the Pacific Ocean?" were they bound immediately to answer it without calculation? And yet, according to the Decretals, the Session, as a Session, could not be amenable for their wantonness. But they might be individually called before the Presbytery, provided it was not done by petition, complaint, remonstrance, appeal, or protest, but in some way which was never discovered before. And then, Robert did not propose it, John did not write it, William did not second it, nor did Benjamin record it. O wonderful age of clerical quibbling and legal nonsense!

‡ It has been proved, already, that this right of *making* or taking a Call, or not, never was vested in the Session, and therefore the objection of the Presbytery to the Call has no weight. The Call was as constitutionally made as the Call of any Minister in this city: and ought yet to be prosecuted. A right, which neither the people nor God ever gave the Session, they could not surrender: and the congregation had no need of such a surrender, for the right of election

The Presbytery moreover declare their readiness to receive a petition from the people for a Call to be made directed to the Rev. Ezra Stiles Ely, or to any other minister or probationer in good standing in the Presbyterian Church; and upon such petition, if signed by a majority of Electors, will duly examine the reasons of the Session, for declining such Call; And if it shall appear to the Presbytery that such Call will probably tend to the spiritual advantage of the said congregation, they will direct the same to be taken. Finally, they do both advise and solemnly charge the people of that congregation to cultivate brotherly love; and study a conformity to the word of God, and to the standards of that Church which they profess to believe are founded upon the New-Testament.

On taking the question, on the resolution contained in the above minutes, eighteen were in favour, and seven against it.

A true copy from the records of the Presbytery.

Attest.

GEORGE C. POTTS, Std. Clk.

Philadelphia, October 25th, 1813.

The Commissioners of the Congregation, being made acquainted with the preceding decretal resolutions, and the rejection of the Call, gave notice that they should appeal to Synod against both. In conjunction with the Commissioners, the Minority of the Session requested, in behalf of the Congregation, that the Presbytery would not appoint any Supplies for the pulpit of the Third Presbyterian Church in the city of Philadelphia; but Robert M'Mullin, in behalf of his three disaffected colleagues, asked Supplies, and the Presbytery disregarded the desire of the church of God. Who ever heard, before, of a Presbytery's forcing supplies on a congregation who are able, and even anxious to provide for themselves a preacher, who is in regular standing with the Church? Was it the expectation of receiving the ten dollars per Sabbath, while their salaries went on at home, and the hope of excluding Mr. Ely from the pulpit, which induced the Presbytery to act so strange a part? For the honour of religion let us desire to think a negative answer consonant to truth.

THIRD ADJOURNED CONGREGATIONAL MEETING.

Philadelphia, Oct. 25th, 1813.

Agreeably to adjournment on the 11th instant, and public notice from the Clerk's desk yesterday, the Third Presbyterian Congregation met in the church this morning.

is inherent in the electors, who, being lawfully convened, no matter for what purpose, may do any business to which a congregational meeting is competent.

General John Steele was appointed Chairman, and John Duffield Secretary.

The meeting was opened with solemn prayer by Mr. James Stuart.

William Smiley, one of the Commissioners appointed by the Congregation at the last meeting, to prosecute the Call for the Rev. Ezra Stiles Ely, before the Philadelphia Presbytery, made a report of their proceedings.

On motion, resolved, that a paper, containing eleven Decretals, passed by the Philadelphia Presbytery, at their last session, be read.

On motion, resolved, that a copy of the Proceedings of the Philadelphia Presbytery, relative to their rejection of the Call to the Rev. Ezra Stiles Ely, be read.

The following Resolutions were then read, one by one, and unanimously adopted; 120 voters being present.

1. Whereas the Philadelphia Presbytery have decided, that the unanimous and properly certified Call of this Congregation, to the Rev. Ezra Stiles Ely, is irregular; and whereas, in our opinion, said decision is not warranted by the Constitution of the Presbyterian Church: therefore, resolved, that we approve of the act of our Commissioners, in appealing therefrom.

2. Whereas this Congregation did, on the 11th instant, unanimously elect, and vote a Call to the Rev. Ezra Stiles Ely, as Pastor of this church—Resolved, that the said Rev. Ezra Stiles Ely, the Pastor elect, be now invited and requested to administer gospel ordinances in this church, until the Appeal from the decision of Presbytery, in the case of the aforesaid Call, shall be finally determined; and that he be paid according to the compensation stipulated and offered in the Call: and that Ferguson M'Elwaine, James Stuart, and William Smiley, Elders of this church, and General John Steele, Jacob Mitchell, William Nassau, John R. M'Mullin, Samuel Carswell, and Paul Cox, Trustees of the same, be a Committee for this purpose, and they are hereby duly authorized and instructed, to carry this resolution into effect.

3. Resolved, that the board of Trustees of this church be, and they are hereby duly authorized and required, to pay the money stipulated aforesaid, that is to say, at the rate of \$1800 a year, to the said Rev. Ezra Stiles Ely, for his ministerial services.

4. Resolved, that Ferguson M'Elwaine, James Stuart, and William Smiley, be a Committee, who are hereby authorized and required (in case of the Rev. Mr. Ely's acceptance of the invitation of the congregation) to inform such Supplies as may have been, or shall be otherwise appointed, that the circumstances of the congregation render it unnecessary for them to fulfil such appointments.

5. Resolved, that we, as a congregation, and as individual members of the Presbyterian Church in the United States, having received the Constitution and Form of Government of said Church, as hitherto published and acted upon, feel ourselves voluntarily bound to be governed by, and to support, the same; and that it is also our duty to oppose and reject any innovation of, or decretals tending to vitiate, or set aside the same, or to obscure its obvious sense and meaning: and whereas the Philadelphia Presbytery in session, on

the 21st instant, did adopt certain Resolutions or Articles, which, in our opinion, are of this description; we do hereby protest against the same, and do cordially approve of the conduct of our brethren, the Commissioners, in protesting and appealing from the same; as well against the Decretals aforesaid, as the rejection of our Call.

6. Resolved, that General John Steele, William Nassau, Samuel Carswell, George Pearson, John Workman, William M'Corkle, John W. Scott and John Steel, be Commissioners from this Congregation, in connexion with the Commissioners having charge of our Call to the Rev. E. S. Ely, to prosecute all appeals which they may judge expedient, for the purpose of vindicating the rights and promoting the peace of the congregation, and also to request the Trustees to call meetings of said congregation, whenever they may deem it necessary; and in general to do all and singular, those things which they may think proper in the premises, for the interest and prosperity of the church.

On motion, resolved, that the sum of five hundred dollars be paid to the Rev. E. S. Ely, for ministerial duties performed in this church, agreeably to the invitation of the congregation, by a resolution adopted at their meeting on the 7th of June last. And the Trustees of the church are hereby instructed to carry this resolution into effect.

Adjourned.

A true copy from the minutes.

(Signed) JOHN STEELE, Chairman.

Attest,

JOHN DUFFIELD, Secretary.

Not long after these proceedings of the Congregation, Mr. Ely returned from the city of Washington, and on finding that a regular Call had been made, concluded that he might, without dishonour, seek to satisfy his opponents. He wrote, for this purpose, the following pacific overture; which was read in the meeting of Elders on the same day of its date.

A LETTER FROM MR. ELY TO THE ELDERS OF THE CHURCH
IN PINE-STREET.

Philadelphia, Oct. 29th, 1813.

To Mr. Ferguson M'Elwaine, and the other Elders of the Third
Presbyterian Church in Philadelphia.

Christian Brethren,

I deeply regret the existence of dissention in any part of the Christian church, and will do any thing which is within my power, and which would not imply the abandonment of some fundamental principle, to banish it from the household of faith.

Being actuated by this disposition, permit me to state, that my heart does not possess one unkind feeling, in relation to any member of your body. I do not blame any one for not choosing me to be his minister, and I would hope that those of you who have supported my election, and those who have opposed it, have all been actuated by a conviction of duty.

Permit me also, to propose, for the sake of mutual peace and edification, that the Elders who are opposed to me, would, in the presence of an equal number of my friends, and in the Spirit of the Gospel, show what objections they have to me as a man, and a Christian Minister. If I have wronged any man, I will restore him seven-fold, and ask forgiveness for the injury.

Before any suitable tribunal, I am also ready to meet all the charges which can be brought against me; for, while I confess that I am a sinner against God, and depend entirely on the righteousness of Jesus Christ for justification; yet I know not of a single immoral action, which could be proved against me, since, in the fourteenth year of my age, I made profession of the Christian religion: neither do I know that any charge was ever seriously brought against me, which stated that I was either immoral or destitute of vital piety, by any professing Christian, before I was invited to preach in Philadelphia.

Would it not be for the peace of the Church in Pine-street, and is it not a Christian duty, to have objections, which subsist in the mind of any believer, removed, if possible? and may not each of the Elders be convinced, that I have acted conscientiously as well as himself.

The Elders are invited by me to a Christian conference.

It is proper also to state, for your satisfaction, that while I am a member of the Presbyterian Church in the United States, I do not design to interfere with any Presbyterial appointments of Supplies; nor to contravene any constitutional decree, which the Presbytery of Philadelphia may pass.

Praying that the God of peace would grant to you, individually, peace and joy in the Holy Ghost,

I subscribe myself,

Your friend in the Lord,

EZRA STILES ELY.

After the reception of the foregoing candid and Christian letter, Mr. Haslett, Captain Wickes and Messrs. John and Robert M'Mullin, (being a majority of *one* in the Session) agreed upon the following insulting Resolution, which, on the 30th of October, Mr. Haslett's clerk handed to Mr. Ely.

“Resolved, that whereas the Presbytery of Philadelphia at their late session on the 22d instant, did, at the request of our Commissioner to that Rev. Body, appoint Supplies for the Third Presbyterian Church in this city, until the next meeting of Presbytery; and whereas, certain individuals of said church, have resolved to invite

the Rev. Ezra Stiles Ely, a member of the Presbytery of New-York, to preach and administer gospel ordinances in this church, in violation of the order of Presbytery, who have appointed other Supplies for that purpose: Wherefore Resolved, that the Rev. Ezra Stiles Ely be duly notified, that Supplies are already provided for this church, and that he be requested not to preach within the bounds of said congregation.

“Resolved, that the Rev. Ezra Stiles Ely be furnished with a copy of the above minute.”

“Extract from the records of the Session of the Third Presbyterian Church, Oct. 29th, 1813.

(Signed) “JOHN M’MULLIN, Clerk.”

On the 31st of October Mr. Ely preached, in the morning, for the Rev. J. Brodhead in the Reformed Dutch Church, and in the afternoon for the Rev. Dr. Gray, in the Associate Reformed Church. The houses were unusually thronged, and the word of life came with augmented power.

On the next day, November 1st, Mr. Ely went to New-York; and from that city again addressed some Elders who have proved *implacable*. Here follows the

SECOND LETTER FROM MR. ELY TO MESSRS. WM. HASLETT,
JOHN M’MULLIN, ROBERT M’MULLIN, AND BENJAMIN
WICKES, ELDERS.

New-York, Nov. 5th, 1813.

Gentlemen,

I have understood from Mr. James Stuart, that, in relation to my late pacific overture, you were pleased to intimate, that had it been made at some earlier date, it might have been effectual to produce a reconciliation. My reason for not having made it before, was my determination not to court a Call from any man. I made the communication, which I had long since determined to make, as soon as I thought delicacy would permit.

Gentlemen, with the spirit of meekness I now beseech you to reconsider the nature of my former letter. I would ask of you, as Elders in Christ’s Church, is it ever too late to repair injuries, make Christian satisfaction, correct erroneous opinions, and eradicate unreasonable prejudices? I do assure you before the Judge of all hearts, that if you have opposed me because you thought me a lover of controversy or contention, or because you deemed me a proud and prayerless man, you have wronged me in your imaginations.

Again I do invite and even entreat you to a Christian conference. It may be for your happiness: as for myself, I fear no evil: I commit my way unto God, and my record is on high, that “I desire not yours but you.”

May the Lord Jesus Christ, whom we call our Master, guide you in the paths of wisdom and peace.

EZRA STILES ELY.

In giving the history of passing events, it would be uncandid not to exhibit some of the anonymous letters which are favourable to the candidate, as well as some which are replete with venom. The reader will be gratified by the following elegant production, which bears all the marks of sincerity.

TO MR. ELY, AT NEW-YORK.

Philadelphia, Nov. 6th, 1813.

Most dear and honoured servant of a persecuted Master,

But few in these days of peace and tranquility in the Christian Church are privileged with so near a conformity to the blessed Saviour or his primitive disciples in the articles of suffering, as yourself. Whilst the many-headed monster of calumny has, time after time, insulted your character and wounded your feelings, in this mean and contemptible manner of letters without signature, permit me actuated by very different motives, to intrude on your attention in the same way.

Your writings and preaching had made a very considerable impression on my mind, and excited strong desires after the blessing of permanently enjoying your public and private ministrations amongst us, previous to the great opposition which has since been made to you, by a few leading characters in our congregation. The very high opinion which I had entertained of their piety and discernment, for some time kept my mind in a most unhappy and unsettled state; fearing they might possibly have some good foundation for the steps they had taken. But a farther investigation of the subject has fully satisfied my own mind, that their proceedings have been cruel and unjustifiable: and so deeply has it interested my heart, in your behalf, that there is no exertion within the small compass of my power, that should not be made, either to vindicate your honour, or in any degree minister to your consolation. I rejoice in the belief that you have a Friend, Almighty, "whose heart is made of tenderness," and who actually does preserve your mind tranquil and composed, in the midst of this storm, which has (no doubt by his permission) unexpectedly gathered around you. You will have perceived by this time, that I am one of those *disorderly people*, who at present mourn under the arbitrary decrees which forcibly deprive us of the pastoral care of one to whom our hearts have been so long directed. Had we been blessed with your ministerial labours, in the suitable and peaceful manner in which we should have been, we were prepared to love you; but, calumny, abuse, and insult, have riveted our hearts still more closely in the bonds of Christian love to him who for our sakes has thus suffered.

But surely, my dear friend, these things are not the effects of chance. The Great Head of the Church has permitted it for some

wise purpose, and if we improve the trial aright, it will do us much good. There never was, perhaps, a set of people who have had their hearts more set on one man, than we have; and could we without any difficulty have obtained him, it is not impossible but he might in some measure have become our idol. We might have placed the servant above his Lord. But now, if it please the Great God our Saviour, to grant us the desire of our heart in this matter in opposition to earth and hell, to Himself alone be all the glory.

It would be presumption in me to hint at the improvement of the event on your part; yet I know you will forgive me, if I should just make one remark. You are a *young man*, possessing talents of no common kind; and though apparently possessed of an uncommon measure of grace, yet still in a state of imperfection. It is possible the breath of popular applause, and the devotedness of your affectionate people, might have become a snare to you; whereas my fondly expectant heart would believe that the Lord is preparing you, in this humbling method of his grace, for great and extensive usefulness to his Church in general, and our little fold in particular.

My foreboding heart sometimes fears that we shall lose you altogether; but the thought is soon banished. I hope you will not forsake us, and when I can excite my heart to rise above the many sorrows of a public and domestic nature with which it is oppressed; to shake off its despondence, and look upwards with confidence, and forwards with hope, imagination pictures to my view days of peaceful serenity to the Church, when those of us who are suffering adversity shall be edified and comforted by the evangelical sermons and pastoral visits of our dear Mr. Ely; when sinners shall crowd the gates of Zion, and all gainsayers and opposers be convinced by his exemplary deportment and honoured instrumentality, that he is the Lord's own servant, and one who shall be numbered amongst the brightest stars in the hemisphere of the Church.

My family all join in affectionate love to you. We feel anxious to know when we may anticipate the pleasure of seeing you in Philadelphia. Though scarcely known to you, none feel more deeply interested in your concerns. We should rejoice to have a line from you; but did you ever know who it is that addresses you, we should not presume to ask the favour. In these few hasty lines, I have discharged the fulness of my heart. My only reason for withholding my name, is to avoid the charge of presumption, rather than do which, I would remain unnoticed and unknown.

May you be enabled to endure hardness as a good Soldier of the Cross; may you continue to enjoy the rich consolations of the Gospel you proclaim to others, and finally finish your course with joy; is the sincere prayer of one, who would humbly aspire to the high honour and privilege of being

Your Sister in the Lord.

Next comes a letter from Mr. Haslett to Mr. Ely, whose statements will be found to be entitled to little credit.

MR. HASLETT TO MR. ELY.

Philad. November 8th, 1813.

Revd. Sir,

Your letter of 5th Inst. to myself and some of the other members of our Church Session was duly receiv'd I have shewed it, to those to whom it was addressed, & they will Judge of its contents, and act accordingly—For my own part, I must acknowledge, I was somewhat surprized on reading that, as well as a former letter from you, after what has taken place in reference to our unhappy situation Here let me put a case for your consideration; Suppose a society of professing Christians "submitting to a certain form of Government" calculated to promote their spiritual interests and living in Christian fellowship & mutual love; that in this situation a person sustaining the Character of a Messenger of Peace should come among them & prove the occasion of strife & division, and that this person knowing the unhappy consequences of his introduction to this Society and his continuance among them, should stedfastly persevere in maintaining the standing he had obtain'd. "Not sparing the Flock"—I ask would not your "anger be greatly kindled against the Man, because he did this thing & because he had no pity"—Permit me to enquire how the conduct of a Minister of the Gospel can be viewed, who has solemnly promised to study to promote the peace, the unity, and the purity of the Church, & to submit to a certain form of Government, who nevertheless accepts of an invitation to Preach in a vacant Congregation, & to a divided people, in direct opposition to the Judicatory of that Church, whose province it is to provide supplies during their vacancy "It is impossible but that offences will come; but woe to him through whom the offence cometh"—You will please to recollect, Sir, that you are a Minister of—Christ, and therefore your conduct should comport with the Spirit, and precepts of the Gospel you preach "A City set on a hill cannot be hid"—The injuries of which you complain, I firmly believe are the fruit of your own doings and that of your professed friends—Their irregular & unconstitutional proceedings, together with the part you have acted have produced that unhappy state of things, which is now a source of pain & Godly sorrow to all—who pray for the peace of Jerusalem"—You have—known sir the opposition to your settlement here was respectable from the first—Your conduct has—strengthen'd this opposition, and I believe there are—now upwards of one Hundred persons in the Congregation who cannot acquiesce in your settlement among us—More than One half of these are Communicants, and two thirds Pew-holders—This being the case, I would ask what good would or could result from a conference with four individuals whose opinions & authority as members of Session have been set at nought & despised by those whom you term your Friends—Permit me to point out to you "A more excellent way"—Remove the cause & the effect will cease "Where no wood is there the fire goeth out"—And let me borrow your own words and enquire "Is it ever too late to repair injuries and make—Christian satisfaction?—The wound is deep but it may not be incurable—the Session of our Church have for the last twelve months been called to the performance of ar-

dious & painful duties—They have seen the arch fiend of discord & disorder coming in like a flood & overturning in its course the established order & government prescribed in our invaluable Constitution—They were called as they believe to stand in the breach & although feeble & impotent in themselves, they have reason to hope they have not contended in support of the Government of the Church in vain. The Presbytery have sustain'd their proceedings & now in some measure take their place—The Lord is our refuge & hitherto hath he helped—To him be the praise—The objections we have as to your suitability to become our Pastor, if we are called upon we shall not hesitate to make known before a proper tribunal. but I would fondly hope you will see the path of duty & expediency plainly pointing another way in this case.—I am totally at a loss to conjecture, with what prospects of usefulness or happiness you could accept of the Pastoral office in a Society where not a few individuals (as has been erroneously stated) but upwards of seventy respectable heads of families, and many of the younger members disapprove of your conduct & oppose your settlement; surely you must know where strife is, there is confusion and every evil work"—If as you profess, you are not seeking your own emolument, but our happiness, I cannot but—hope you will see how much you can do towards restoring us to peace by declining to be consider'd any longer a candidate for a situation which in my opinion if obtain'd under existing circumstances would be pregnant with evil I would close with saying there is nothing personal in my opposition to your settlement here; but such is the conviction of my mind, that you are not supported by the the word of God, nor by the Govt. of our Church in your persevering endeavours to obtain a settlement among us, at so great a sacrifice, that I consider it my duty to oppose it—I felt it my duty thus to state to you my views & sentiments freely; but I wish you to understand that I wish not to enter into any controversy on this unhappy business—This Letter is in reply to yours, & I have only to say, my earnest wish & Prayer to God is, that he would restore peace in our borders, & cause his people to sing of mercy as well as Judgment.

I am respectfully yours, &c.

WM. HASLETT.

While Mr. Ely was in New-York, he received the following

DOCUMENT.

"At a special meeting of the Presbytery of New-York, convened in the city of New-York, on the 13th of Nov. 1813. On application from the Rev. F. S. Ely, it was

"Resolved, That the Rev. Ezra Stiles Ely be, and he hereby is dismissed from the Presbytery of New-York, with a recommendation as a minister of the Gospel in good standing, to unite himself with the Presbytery of Philadelphia.

"A true extract from the minutes.

"MATTHEW LA RUE FERRINE, Sd. Clk."

On the 15th of November, Mr. Ely returned to the city of Philadelphia; and for three Sabbaths preached in different churches; which were frequented by the greater part of the people of Pine-street Church. When the Presbytery of Philadelphia met, he did not apply for admission, because such a disposition was manifested in relation to him, as persuaded him that it was not his duty. When he asked for a dismissal from the Presbytery of New-York, it was moved that "he be dismissed to connect himself with the Presbytery of Philadelphia, or any other regular ecclesiastical judicatory, within whose bounds the providence of God may call him to reside;" but the Rev. Mr. Spring objected to the last clause, and seemed unwilling that he should have permission to join any other Presbytery than that of Philadelphia. What inducement he had to wish Mr. Ely connected with the Presbytery of Philadelphia may be inferred from the fact, that all the documents which were the foundation of the criminal process afterwards instituted against Mr. Ely, were obtained from the said Presbytery. If there was any secret agreement between the two Presbyteries, some of the members of each best know, and future events will declare.

To continue the history, a letter shall here be introduced from a much esteemed minister of the Presbyterian Church, who was then about to embark for Europe.

LETTER FROM THE REV. DR. ROMEYN TO MR. ELY.

New-Bedford, Nov. 16, 1813.

My dear Brother,

Your letter reached me a day or two before I left New-York. Amidst the hurry and bustle accompanying my departure, I could not write an answer. This apology, I trust, will suffice to satisfy you, that I have not neglected you.

Mr. Smiley put in my hands a copy of the resolutions of the Presbytery of Philadelphia on the case of the Pine-street church. The perusal of them grieved me extremely. They are utterly subversive of Presbyterian order, and as inconsistent with the liberty of the Gospel. If a majority of Elders may thus prevent a majority of constitutional Electors in a congregation from obtaining the man of their choice, give me at once a PATRON, I say—for, of the two, I would rather have one man to choose for me, than the majority of a Session. What do the Presbytery mean, by these resolutions? I am astonished. If these resolutions contain the spirit of Presbyterian government, I

have been ignorant of it all my life long. And if the Presbyterian Church in this country adopt these resolutions—if they become the common law of the Church, I have done with her; for I never will be accessory to the oppression of a majority by a minority. If individual churches choose to be thus oppressed, they may; but I will serve none of them, nor be connected with them.

I trust God will dispose the Synod to correct the procedure of the Presbytery. Enough of this—it makes me sad and sick at heart. May God direct you to act aright in all your trials, and glorify himself through you.

And now I bid you adieu for the present. I pray God to prosper you in your ministry, and to give you grace and opportunity to *pray down and live down* all who now dislike and oppose you. Forget me not at the throne of grace. Mrs. R—and my nephew join in affectionate respects to you. I remain yours in the best sense.

(Signed)

JOHN B. ROMEYN.

The Presbytery of Philadelphia having expressed a desire to be petitioned; and the members of Pine-street Congregation being disposed by all lawful means to secure their object, a petition was drawn, and signed by two hundred and seven pew-holders, in which the Presbytery were requested to take measures for compelling the Session to do their duty.

On the 25th of November 1813, the said Presbytery

On motion resolved, that although it is the desire of Presbytery, to receive and consider the petition of a majority of the pewholders in the Third Presbyterian Church, and to enquire of the Session of the said Church, their reasons for not having proceeded towards taking a Call for the Rev. Ezra S. Ely, and thereupon to decide according to the merits of the case and the right of the matter; and although this Presbytery is ready, if it should appear to them proper that such Call should be taken, immediately to direct it to be done; yet inasmuch as appeals have been taken from their former decisions, the latter of which evidently identifies itself with the object of the present petition, and if finally succeeded in by the appellants, will fully accomplish all that is contemplated by this petition; and whereas, the intention of said appellants to prosecute the said appeal is expressly shewn on the face of the petition, it is therefore resolved, that the Presbytery cannot consistently grant the prayer of the said petition, until the said latter appeal shall be withdrawn. At the same time the Presbytery declare, that if the said appeal be withdrawn, the petition shall be received and considered so as to make the proper investigation; and if the petition should be finally rejected, the said petitioners shall have their election, to prosecute their appeal, thus previously to be withdrawn, reinstated on the records, in all respects as it now stands, or an appeal upon the merits of the case under this petition; but it will not be in the power of this Presbytery to allow them both, for the reasons above mentioned.

Attest,

THOMAS H. SKINNER, Stated Clerk.

That the Presbytery might enjoy every facility which they could wish in doing justice, the Commissioners of the Congregation then agreed to *provisionally* withdraw the Appeal to Synod upon the rejection of the Call; but the Presbytery, after some discussion, having decided against the prayer of the Petition, the Commissioners immediately renewed the Appeal according to compact. But notwithstanding the Renewal of the Appeal, by the commissioners, (and which was never afterwards re-withdrawn) the Presbytery proceeded to rescind their resolution rejecting the prayer of the petition, and voted to cite the Session to appear before them forthwith and shew cause why they had refused to convene the Congregation, invite a moderator, &c. The Session being cited, made their appearance; but when asked to assign their reasons for not performing their duty, they plead that they were not prepared to answer. They had before frequently said, that they were at any time prepared to shew cause for their conduct; but now, they required and obtained a delay of ten days—[Dr. Wilson, good man, had inadvertently stated that *delay* was the object.]—On the 8th of December, they read before Presbytery the following curious production. Who is the real author of it, does not admit of much doubt. Mr. Haslett, however, had the honour of standing godfather to the bantling.

PLEA OF THE SESSION

Of the Third Presbyterian Church, in answer to a Citation from the Philadelphia Presbytery.

THE MODERATOR OF THE PRESBYTERY OF PHILADELPHIA.

Reverend Sir,

Permit me, in the name and on behalf of the Session of the Third Presbyterian Church to state to this Reverend body, that we have viewed with concern the very great trouble and inconvenience to which you have been subjected in this unhappy affair. We would in an especial manner endeavour to apologize for the trouble we have occasioned you in this particular instance when, in the view and estimation of this Presbytery, the business now to be transacted might have been issued at your last meeting. We truly regret that we should have rendered ourselves liable to the imputation of criminal negligence in the premises, but we trust when Presbytery seriously consider the importance of the matter to be investigated, not merely as regards our standing as Church Officers or the interest of the Church under our

care, but as respects the interests of the Church-at large for generations to come, as we verily believe the question now at issue, that is the Principle contended for by the Session on the one hand and the petitioners on the other, is such as must affect the vitals of Church Government, and we hope it will appear that we requested no unreasonable time to arrange our ideas, &c. and to make some preparation for appearing before this Reverend body.—We should have considered it disrespectful to this Presbytery to have offered before them sentiments the truth of which we had never tested by a fair and faithful examination of the standards of the Church which we believe are supported by the Word of God. It may reasonably be supposed that after using all due diligence in the way of preparation, we shall nevertheless appear to great disadvantage before this learned and superior judicatory, and that our cause tho' good, will be liable to suffer from the weakness of its advocates. We therefore must still claim your indulgence and forbearance as to the manner of defending our cause, which we trust will be overlooked in the weight and importance of the matter to which we are persuaded we need but point your attention to be superceded by your superior discernment in its most proper application to the case in hand. The Presbytery we trust will indulge us in the free use of such arguments as can be derived from the Holy Scriptures, from our Standards of Government, and from the reason and nature of things; and should any unguarded expression or any degree of boldness not warranted in the defence of truth and by the circumstances of the case appear in our statement, we will be the first to regret it and to make the proper concessions.

The interests to ourselves and to the Church, involved in this dispute, are such as will justify an honest effort to maintain our just rights. We therefore beg your patient and attentive ear, while we proceed to enumerate some of the grounds upon which we mean to oppose the prayer of the petitioners—In cases of scandal cognisable by the Session, it will be admitted, the Presbytery have not original but only appellat jurisdiction. Therefore as they have already decided, and we think correctly, that this cannot be viewed as an appeal, and that an accusation against the Session, cannot be heard against them otherwise than as individuals, we are at a loss to know, on what principle or authority the prayer of the petition can be heard and granted.—If we could view the citation separately and unconnected with the Petition and former proceedings, we would consider it proper enough, and harmless in its nature and tendency, for we consider our proceedings at all times subject to the review and censure of this Judicatory, but when we view it in its connection with the petition, which we conceive prays for what is neither agreeable to the word of God, nor the Standards of our Church, we feel alarmed and constrained to appeal to the Law and to the Testimony in support of our cause.—We would just mention in this place, that we rely on the justice and uprightness of our cause, in claiming your decision and support on this occasion. For if we are not supported by the Word of God, and the Standards of our Church, we wish not to exercise an usurped authority. Nay Sir, we would be the first to say in reference to this matter, Let the righteous smite us, it shall be a kindness, &c. But if we have committed no offence, let no man, ~~say~~

body of men, (however respectable or respected) condemn us. Justice is fitly represented blind; and we refer to Leviticus 19th Chap. 15th ver. and Exodus 23d Chap. 2d and 3d ver. to shew how strictly the Law of Moses guarded against all influence arising from circumstances or numbers, where justice was to be administered. Ye shall do no unrighteousness, in judgment thou shalt not respect the person of the poor, nor honour the person of the mighty, but in righteousness shalt thou judge thy neighbour. Thou shalt not follow a multitude to do evil, neither shalt thou speak in a cause to decline after many to arrest judgment, neither shalt thou countenance a poor man in his cause. If sir, the petition on your table was signed by twice as many, it would not justify your hearing and granting its prayer, because the signers being many or few, does not alter the principle. In the case of Korah and his Company, there were two hundred and fifty princes, all men of renown; and we know not but there may have been three-fourths of the Congregation to contend with two individuals only. Did we say only? forgive us this wrong. There were more with them, than with their opposers, for the God of the armies of Israel was with them, and was nigh to plead their cause, and support the honour and dignity of their office which in fact was conferred on them, not by man, but by the Living God. We are greatly strengthened in our present views, by the late decision of Presbytery, which states, that the powers of Session, do not spring from the people as in the social compact, but from the Head of the Church. We have, in reference to the case before you, taken a cursory view of the order and government of the Jewish Church, at its first organization, under the conduct and superintendency of Moses and Aaron, and we have observed them, in many striking particulars, similar to that of ours.

The Priests, the Sons of Aaron; and the Levites, the Sons of the three families of Levi, viz. Kohath, Gershom, and Merari, had each their distinct and particular duties assigned them, so that there might be no schism in the body or interference in the management of the affairs of the Tabernacle. See Numbers, 4th Chap. throughout. Now Sir, although it might appear, that the business of removing the Ark from place to place, which was the proper business of the Levites only, was not in itself a matter of great importance, and that that service might have been as well performed by any other persons as the Levites; yet as it was the order established by the Great Law-Giver, who is jealous of his honour, see the consequences of an improper interference in the case of Uzziah, 2d Samuel 6th and 7th; compared with Numbers, 1st and 51st; and 1st Chronicles, 15th and 13th. Upon the whole Sir, we have been more than compensated for our trouble, in the view we have taken of the beauty and order of the worship and government of God's House, and cannot but say in the review, a greater than Solomon is here. Or in the language of that sweet singer in Israel, Dr. Watts,

“ Let Strangers walk around
 “ The City where we dwell,
 “ Compass and view thine holy ground,
 “ And mark the building well.

" The orders of thine house,
 " The worship of thy court,
 " The cheerful songs, the solemn vows,
 " And make a fair report.

" How beauteous and how wise,
 " How glorious to behold,
 " Beyond the pomp that charms the eyes,
 " Or rights adorn'd with gold."

We would just further remark, that on the ground of expediency, we have still a higher claim on your decision in our favour. And if the question be proposed, which has excited so much popular clamour, viz. What redress have the people in such circumstances? The answer is at hand. Let them, as recommended by this Presbytery at a former meeting, viz. That if the parties cannot unite in the candidate in question, (and we believe this is now impossible) Presbytery advise, that if they turn their attention to one for whom the choice will be more unanimous. This is what we have always recommended, and we consider it as reasonable, as it is scriptural and just.

THE REVEREND THE PRESBYTERY OF PHILADELPHIA.

Reverend Fathers and Brethren,

In obedience to your citation, we now appear before you, to answer for ourselves. It is with sensations of pain and regret, that we attempt the discharge of this duty, especially as the conduct and views of some whom we have hitherto esteemed, must be in some degree implicated. We hope however, Presbytery will not discover in what we have to say, a disposition to criminate any further than a fair exposure of their own conduct and sentiments, in relation to the question before you, may have this tendency. We enter upon this unpleasant business the less reluctantly, because we know you to be expert in all questions and customs that relate to the matter in hand; wherefore we beseech you to hear us patiently. We will first state the reasons for acting as we have done, and then proceed to use some arguments in justification of our conduct.

The first thing we shall notice is the introduction among us of the Rev. Ezra Stiles Ely, some time in the Autumn of 1812. He preached for us two or three sermons, without exciting any particular attention, and returned again to New-York. About the middle of December he again visited this city and preached several times, some of the Congregation appeared pleased and others were dissatisfied with his appearance and manner. He left the city on or about the 25th December, and on the 30th December a petition was presented to the Session, signed by 32 Pewholders, requesting them to call a meeting of the Congregation for the purpose of taking a Call for Mr. Ely (see minutes of Session.) Our reasons for thinking such a measure premature were,—1st. Our very imperfect acquaintance with Mr. Ely and the little knowledge we had of his character, talents and suitableness to become our Pastor—2d. The circumstance of his having had charge of a Congregation and his having left it we knew not for what cause,

together with our disapprobation of the hasty and improper steps taken by a few individuals calculated to disturb the peace and harmony of the Congregation, and form it into parties, before Mr. Ely's qualifications could be known. At this meeting of Session it was agreed, although not recorded, that the members of Session should write to their friends in New-York, &c. to obtain information respecting Mr. Ely's character as a minister, and the Session adjourned to meet on the 13th January following. On the 13th January, 1813, the Session met agreeably to adjournment, and a letter was presented by Mr. M'Elwaine from Doctor Romeyn to John Steel, which we denominate A. and to which we refer; another letter B. was presented by Mr. Smiley from Dr. M'Leod; another C. from Dr. Joseph Clark of Brunswick, to Wm. Haslett; another from Mr. John Mills of New-York, to Wm. Haslett, which has been lost or mislaid. These letters were read and their contents duly considered, and the effect produced on the minds of the members of Session may be inferred from their minute, same date, by which it will be seen that they unanimously agreed to write to Dr. Neill of Albany, and invite him to preach for us as a candidate for the Pastoral office, (we refer to our minutes.) We believe at this time there was but one opinion as to the impropriety of selecting as a candidate for the Pastoral office a man who, by his friends, was declared constitutionally indiscreet; and it was observed by one of the members, that the idea of choosing a minister who would require the watchful eye of Church Session especially, after the prudent and judicious Pastors we have been favoured with, was repugnant to every principle of propriety, or words to that effect. Matters remained quiet from this time till the 4th February, when the Session were called together to hear Dr. Neill's reply, in which he stated that he could not visit us till May, but would preach for us, if favoured with an opportunity, at that time. Immediately after this meeting of the Session, the friends of Mr. Ely were convened at a private house, and Committees appointed to go through the Congregation and obtain signatures to a paper, requesting the Session *Forthwith* to solicit the attendance and assistance of a neighbouring minister, &c. to prepare a Call to the Rev. Mr. Ely. This paper, with one hundred and seventy-three names, Male and Female, was presented to Session, on the 18th February. Our reasons for postponing the consideration of it, were as follows.

1st. We had certain information, that improper means had been used in obtaining the signatures, and that many of the signers were ignorant of the purport or object of the paper.

2d. That at this time we know a number of respectable members of the Congregation, who declared their disapprobation of Mr. Ely's preaching and manners.

3d. That the Session had received further evidence of Mr. Ely's imprudence, by sundry letters communicated to Session by Capt. Wickes, in a confidential manner, (See Mr. Ely's letter to Capt. Wickes, D. and Dr. Milledoler's two letters to the same, E. and F.) The majority of the Session had their conviction of Mr. Ely's imprudence greatly strengthened and increased, by becoming acquainted about this time, with some of his writings, in which, in their opinion, are some things hard to be reconciled with the dignity of the ministerial character. See his Sermon G. pages 8, 9, 10 and 11; and his

Poems II. pages 95 and 139. These things were mentioned confidentially in Session, but were ineffectual as to the minority.

4th. The Term *Forthwith* in this application, was deemed disrespectful and improper.

5th. At the same meeting of Session, at which the Petition (if so it might be called) was presented, a kind of compromise took place, which from its very nature prevented all further procedure in reference thereto, for a time.

Some time in March, or in the beginning of April, Session were presented with a Protest and Remonstrance, accusing them of misconduct, and at the same time had notice given them, that this instrument would be laid before Presbytery at their stated meeting in April, which was done accordingly. The circumstances connected with this accusation—The decision of the Presbytery—The appeal to Synod—Their decision, and the late decision of Presbytery—And finally, the second appeal of the present Commissioners, are known to this Presbytery, and need not now be particularly noticed. Suffice it to say, that during the time this trial was pending, we could not act in the case until the issue was known. We would notice in this place, that owing to the connection formed between certain individuals of the Congregation and Mr. Ely, and the public declaration made by many of them, when Dr. Neill arrived in this city in May, he was with some difficulty prevailed upon to preach once, and he absolutely declined our pressing invitation to preach for us again; and it was with much difficulty we could procure other supplies from the General Assembly, owing to our supposed engagements with Mr. Ely.

We can moreover state with truth, that there has appeared a manifest reluctance on the part of ministers generally, who have visited our city, to preach in our pulpit. The consequence has been, that we have been completely shut out from every opportunity of hearing other suitable candidates. We return now to the conduct of Session after the decision of Synod in May last, and refer to our minutes of 1st June. From this record it will be seen, that the Session agreed to call a meeting of the Congregation for the purpose of submitting to them, the question of preparedness to take a Call for a Pastor; and a meeting was called accordingly on the 7th June, when it appeared, the Congregation were not prepared to take a Call, the question having been indefinitely postponed, (See their minutes I)

From the 7th of June and onward, the Session were constrained to view the conduct of those of the congregation who called themselves the friends of Mr. Ely, as in direct hostility with the order and government of the Church. They took possession of the pulpit and invited Mr. Ely into it as a supply, and this in direct opposition to the judgment and authority of the Session. We are obliged here to state that Mr. Ely accepted the unconstitutional and irregular invitation of certain individuals to come and supply our pulpit, with a full view of the circumstances under which he came, having been written to on the 8th June, the day following the meeting of the Congregation, by a member of Session, and fully apprized of the situation of the Congregation and the manner of his appointment. Notwithstanding this, he obeyed the summons and preached for the Congregation, or rather for about two-thirds of them, as many absented themselves during the

ten or eleven Sabbaths he preached. For this service he has been allowed the unprecedented sum of five hundred dollars out of the Church funds.

The sanction or concurrence of Session, in order to convene the Congregation, was no longer considered necessary; they met on their own adjournments, and finally proceeded to take a Call, which they term "the unanimous and properly certified Call of the Congregation." [See their minutes, K.]—To sum the whole, we would beg leave to state that, conceiving as we do, that the government of the Church in its spiritual interests has, in the Providence of God, and in our present vacant situation, been entrusted to our hands, we cannot reconcile it to our consciences to be accessory to the placing of a man over the Congregation, who is manifestly imprudent, a lover of controversy, as we judge from his Contrast, &c. regardless of the peace of the Church in this instance, as is manifest from his steadfast adherence to a divided congregation, and in some of whose publications his warmest friends must see at least a want of consideration—We cannot consent by any act or implied assent of ours, to banish from the Church about one-third of its members, many of whom have been its best supporters and warmest friends from their youth, and this to gratify the wishes of a party who seem willing to sacrifice the peace of the Church and the comfort of their brethren, to place over the Congregation a man who, where he is best known, appears to have been, in his ministerial character, but little esteemed by the church at large. We could not, consistently with our views of propriety and our solemn obligations to support the order and government of the Presbyterian Church, encourage or sanction the irregular proceedings which have taken place in our once happy society, and which have been (in consequence of this want of conformity to all rule) declared by your Reverend Body null and void. We respectfully beg leave to request you will consider the consequences of granting the prayer of the petitioners now before you. Your conduct in this instance may be viewed as a precedent to encourage or prevent for ages to come, a similar attempt to prostrate and overturn the Government of the Church. Is it indeed so, as you have stated, that our power is derived, as a Church Judicatory, from the Great Head of the Church? then we are sure, however weak and contemptible we may be viewed as fallible men, if you should judge us to have been faithful over the little entrusted to our care, we may calculate on and claim your support. On the contrary, if we have (as has been more than intimated by our opponents) been setting ourselves up as lords over God's heritage; if we have been seeking our own honour or advantage and not the honour of the Lord Jesus Christ and the interest of his Church; in that case we have doubtless rendered ourselves liable to your censure. We beg leave here to state our views of the Constitution in reference to some things in which we have been opposed by the petitioners from the commencement of this unhappy division. 1st. We view it as a fundamental principle, that in the Church the majority should govern, but we deny the position that the pewholders in a Congregation should govern the Session, or overrule their decisions in matters relating to the spiritual concerns of the Church. This we conceive would be to overturn all order and government and put an end to all discipline in the Church. For if the people may inter-

fere and oppose the decisions of Session in one case, where they are acting agreeably to the Constitution, why not in every case; and if the opinion of four individuals who constitute a majority of Session, is to be treated with contempt, when put in competition with that of half or two thirds of the Congregation in one case, why not constitute the pewholders at large the judges and the umpire in all cases? On this point the Session were divided at an early period, and to this error in judgment and its practical effect on the part of the minority in Session, we believe much of what has taken place, may be fairly attributed; for our brethren in Session who differed from us, did in reality, as will appear from their subsequent conduct, practically appeal to the people, and the members of Session in the minority have acted with the other individuals in their irregular proceedings throughout. [See their protest.] Here we think it incumbent upon us to direct the attention of Presbytery to what we consider the origin and principal source, from whence all the bitter streams of our unhappy divisions and strife have emanated. As the immortal Flavel has said, "Every thing is what its foundation is;" and if the foundation be imperfect, the superstructure, however specious or costly, must come to the ground. The principles adopted by the minority in Session, and contended for in reference to this business, were the following, as we can shew by their Protest, &c. viz. That the words in the 14th chap. sec. 1st, of our Form of Government, "When any probationer shall have preached so much to the satisfaction of any Congregation *that the people appear prepared* to receive him as their minister," &c. were to be understood as giving the Congregation the right to judge of their own preparedness to take a Call, and imperatively to demand of the Session their agency in accomplishing this business. Again, they contended that the Session were the Representatives of the People, chosen by them not for the purpose of exercising Government and Discipline as is stated [Form of Gov. Chap. 4th, Sec. 1st.] but to be their mere servants, to be dictated to by their superior wisdom and directed by their paramount authority. This sentiment is also recognized in the Protest and Remonstrance, and in the application to Session October 5th, &c. to which we refer. We acquiesce most cordially in the late decision of this Presbytery, "That the Session should pay respectful attention to any proper application from the people, exercising their discretion in the fear of God and for the good of his Church." But we are here constrained to state that, after the first paper signed by thirty-two persons was presented, we never had either verbally or in writing any thing like a respectful application, but on the contrary have been treated with the greatest untenderness and disrespect, and have been termed enemies of the people, insomuch that, without any other cause that we are acquainted with than that of doing our duty, many have been stirred up to speak of and to act towards us as unworthy of their friendship or confidence.

We would beg leave further to state, that, supported as we are by the late decision of Presbytery in our opinion, that "it is the proper business of the Session of a vacant Church to take notice when the people shall appear prepared to take a Call for a minister, &c." we would lay before your Reverend Body some circumstances which appear to us sufficient evidence that a Congregation are not prepared to take a Call, &c. And 1st. If a respectable part of the Congregation,

say one-third in number, and more than one-third in supporting a minister, are so averse from the Candidate, that they declare, they cannot receive him as their Pastor, nor remain members of the Congregation under his ministry.

2d. If it shall appear, that the party who are in favour of the Candidate, have acted precipitately, and without proper consideration. If they have refused to listen to the objections and reasonings of their Brethren, and especially, if they have shewn no tenderness towards those who have acted conscientiously, and cannot unite with them in the object of their choice.

3d. If those who are in favour of a particular Candidate, not only violate the great law of Christian charity and mutual forbearance, but also determine to overleap all boundaries to obtain their object, and do in reality violate the order and established government of the Church, then we cannot conceive a Congregation in such a situation are prepared to take a Call.

4th. If individuals in a Church, shall assume the power of government, and imperatively direct those who are appointed to rule, *Forthwith* to gratify their wishes.—If they shall resort to improper and unjust accusations against, and endeavour by coercion to obtain what they might or could reasonably hope or expect, only by Petition, ought the Government of the Church to be surrendered, to satisfy a misguided and disorderly portion of a Congregation, under such circumstances.

We here beg leave utterly to disclaim the following principles, which have been charged upon us, viz.

1st. That the Session have power to choose a Pastor for a Congregation.

The choice is to be made by the people, but in the full consistency with this opinion, we think where a Congregation is divided, with respect to any Candidate, the Session ought to be respectfully consulted, and their rightful authority acknowledged *in all* that relates to the spiritual interests of a Congregation; and as a Session cannot make choice of a Pastor for a Congregation, without the consent of a majority of the people, so neither can a majority of the people elect a Pastor, where the Session think they have good and sufficient reasons for refusing their agency and consent.

Were it otherwise, the Church Judicatory might be set aside, and a Majority of Pew-holders (whose religious tenets are seldom or never enquired into, when they enter the Church) turn over the Congregation to any other denomination.

We know unwarranted power may be exercised, and often is exercised by courtesy, without any other legitimate foundation, and there is no way of rectifying this evil, but by having the matter contested, if the claim to it be persisted in. Now sir, we have been accused of arrogating to ourselves power, and exercising authority to which we had no legal claim, and we think the question still at issue, at least virtually so, whether the Session, or the majority of the people, have the power given them by the Constitution to rule in a vacant church.

The Session we admit, is amenable to Presbytery for the manner in which this power is exercised. We conceive, according to the plain rules of Scripture, that in every branch of the Government of

the Church, there is a principal respect to be had to circumstances, and that it will often happen, that what might be lawful would be highly inexpedient, and that the golden rule of doing to others as we would wish others should do to us, should be applied to in all cases. We have often mentioned to our brethren, who were of the minority in Session (and as they considered themselves in a peculiar manner the friends of the people, we have no doubt they communicated our sentiments to those interested) that should any Candidate offer, who was peculiarly desirable to us, we would in no case encourage his settlement, if even a few respectable members would say they could not receive him and must leave the Church if he became its Pastor. We have moreover, had an opportunity of giving a practical evidence of our strict adherence to the principles of moderation and forbearance, which we have advocated. Some time last Fall, a gentleman of the first respectability for piety, prudence and other ministerial qualifications, visited us, preached and administered the sacrament of the Lord's Supper, and some of the Congregation were very desirous to have him as their Pastor. When the Session met to consider the matter, it was stated by a member, that some of the Congregation had been heard to say he would not suit them. Upon this alone, and acting upon the principle which has always governed us, viz. a special regard to the peace and unity of the Church; this worthy minister was permitted to depart without further trial of his suitableness or acceptability. We have never had a doubt, but that a large majority of the Congregation would have chosen him, had the matter been fairly tried. In the case now to be considered, which we view in its nature and consequences, as one of great importance, we beg leave to direct the views of Presbytery to the following positions.

1st. The Church Session is competent to the spiritual government of the Congregation, and to concert the best measures for its spiritual interests. (Form of Government, Chap. 8th, Sec. 2d.)

2d. It is the proper business of the Session of a vacant Church, to take notice when the people shall appear prepared to make a Call for a minister, paying respectful attention to any proper application from the people, and exercising their discretion in this matter in the fear of God, and for the good of his Church. [Decision of the Presbytery, October 23d, 1813.]

3d. A majority of the people do not constitute a Church without their Officers. [See Decision of Presbytery.]

4th. The Presbytery have cognizance of all things that regard the welfare of the particular Churches within their bounds, which are not cognizable by Session. [Form of Gov. Chap. 9th, Sec. 5th.]

With regard to the petition now before you, although it, at first view, may appear reasonable and proper, yet we contend that on one ground only can its prayer be granted, and that is, in the view of this Presbytery, the Session have acted unconstitutionally and improperly, and therefore are liable to impeachment.

Presbytery we doubt not, will deliberately consider the matter and importance of this trial, for a trial it certainly is, when viewed in its true character, tendency, and immediate consequences, whatever its form may seem to indicate to the contrary; and it may not be improper to direct their attention to the parties now before them.

The Session of the Third Presbyterian Church is one party—the defendants in this cause. And let us enquire, what is a Church Session? A Church Session, sir, is an ecclesiastical court, having competent jurisdiction in certain cases, and within a certain district. Some of its powers have been already specified, and we repeat again, that the power of judging in the case now before you, is recognized by the Constitution. Now sir, let us examine whether the Church Session has a legal claim to exclusive powers in cases cognizable by them, and which cannot be taken out of their hands, but by appeal or impeachment. The Constitution says, in general terms, the Session is competent to the spiritual Government of the Congregation, and to concert the best measures for promoting its spiritual interests. The elders moreover, are said to be chosen by the people, for the purpose of exercising Government and Discipline, not over one-half or two-thirds, but over the whole Congregation. And sir, in speaking of a Church, when regularly formed, [Chap. 1st. Sec. 4th, to which we refer] it is spoken of as submitting to a certain form of government. Now sir, in its incipient state, and before its organization, every member was precisely on a footing, and they were at perfect liberty to adopt what form of government they thought proper and best, and in doing this, a majority of votes was to decide; but after adopting our Form of government, to pretend that the church can or ought to be governed in this way, is at once to throw off the yoke of government altogether. We beg permission here to be somewhat particular, as we consider the point we mean to establish, one of the utmost importance. We are told [Chap. 7th, Sec. 2d. Form of Government] that “the highest punishment to which the authority of any of the Church Judicatories extends, is to exclude the contumacious and impenitent from the Congregation of believers.” Now sir, is this power vested in the Session, as well as in the higher Judicatories? We answer yes; and sir, let the power of Session, however contemptible as men, be observed and respected in their characters as Church officers. Permit us to view their power and awful responsibility, not merely to their fellow men, but to Him who spake as never man spake. Let our brethren who question the power of Session in the case before you, advert to the 18th Chap. of Matthew, “If thy brother will not hear thee, and afterwards one or two more, then tell thy complaint unto the Church.” What! to the whole congregation? No sir, to the Church Judicatory, or in other words to the Session, “and if he will not hear the Church, let him be unto thee as a heathen man and a publican.” We might here, well exclaim, “who is sufficient for these things,” but he who can give ears to the deaf, and eyes to the blind, can inspire the heart of man, with that wisdom which is profitable to direct. We would notice here, that we conceive the power of Session to consider, and their agency to accomplish, the proper time and business of taking a Call, is as fully established by the Form of Government, and the late decision of Presbytery, as in the case we have mentioned. We now request the attention of this venerable body, to the relative powers of the several Judicatories. They have each particular parts of duty to perform, which the higher cannot perform for the lower, although, on an appeal, they may reverse their Judgment; yet this is essentially different from acting in their place, or assuming their powers, which we contend cannot be done, but by

what would be an equivalent to an impeachment. We think we see a peculiar beauty in the gradation exemplified by the statement of the Apostle, and which we think may be fairly accommodated to the case in hand, 1 Cor. 12th. 18th. God hath set some in the Church. 1st. Apostles, 2nd. Prophets, 3rd. Teachers, after that miracles, then gifts of healing, helps, governments, diversities of tongues; and sir, if we are correct in our views of the beautiful symmetry and perfection observable in the order and government of the Church, we are of opinion the eye cannot say unto the hand, I have no need of thee, nor again the head to the feet, I have no need of you, but that these members of the body which seem to be more feeble, are necessary. We would now particularly notice the relative powers of Presbytery and Session, in reference to the case in hand, and would remark, that as the Eldership forms a constituent part of the Presbytery, it becomes their duty, and it was no doubt intended to be their part, to guard against encroachments on the privileges of Session. We now refer to the Form of Government, chap. 9th, where the powers of Presbytery are spoken of, and notice particularly their authority to visit particular Churches, to enquire into their state and redress the evils that may have arisen within them. Now sir, we perfectly acquiesce in their right so to do; and if evils have been occasioned by the conduct of this Session, we say "bear witness of the evil," or in other words, if we are chargeable with criminal negligence in the case before you, let us be constitutionally tried and punished; but if you should acquit us of evil or guilt in the case, we claim your support and protection. Now sir, we conceive that on any other ground than that of our having acted unconstitutionally and improperly, we are completely protected by the Constitution from the effects or consequences of this petition. Has there ever been an instance in the proceedings of Courts, whether civil or ecclesiastical, where the higher Judicatory has interfered with the duties and proper business of the lower, unless on an appeal or reference, or complaint of improper conduct, or an unconstitutional exercise of power; we know of none. Having thus attempted to shew the constitutional authority of Session to judge in this case, permit us to propose for your consideration, the following case, which we consider exactly similar.

A Student of Divinity under the care of Presbytery, after having applied himself to the study of Theology, beyond the Constitutional period, applies for licence—his trials are not sustained—he studies longer and makes a second and a third application, and is finally rejected on the ground of incompetency. He considers himself aggrieved, and makes a complaint to his friends who are numerous and respectable, and they think with him that he has been hardly dealt with, and they moreover intimate in a delicate and modest way (for who can lightly speak evil of the spiritual rulers and be guiltless) that Presbytery are wrong. He makes his case generally known, and the evidence he gives being all *ex parte*, he succeeds in getting a petition to Presbytery recommended by five thousand signers within the bounds of the Presbytery, all men of judgment and prudence (not a female among them) and all connected with the Presbyterian Church. Thus strongly fortified with his petition and popular opinion against the most distant probability of rejection, he makes a last effort—

Presbytery are convened and his petition is referred—they hear its contents and agree to take it up, and accordingly decide that they will examine him again, and if his trials can be sustained they will licence him to preach. He is examined, but alas! the judgment and consciences of the Presbytery, aided by the Scriptures and our Form of Government, outweigh his five thousand subscribers, and he is once more disappointed in his views and expectations. But he can no longer view the proceedings of Presbytery such as should be suffered with impunity—he conceives, with his numerous friends, who, in the aggregate, including men, women and children, from fourteen years and upwards may, by this time, amount to twenty thousand, that he is greatly aggrieved, and petitions the Synod and General Assembly for redress. They cite the Presbytery before them to assign the reasons why they have not licensed a young man so highly recommended, as the numerous signers to his petition imports. The General Assembly, in order to remove all ground of complaint, proceed to investigate the proceedings of Presbytery, and to hear the reasons which governed their conduct, and finding they had violated no constitutional rule nor been guilty of any criminal neglect, but had acted agreeably to their judgment and consciences in the case, sustain their proceedings, and decide that the prayer of the petitioners cannot be granted. Now let us suppose in this case, that the General Assembly were ever so desirous of licencing this person or of granting relief in the case, and although they have the general power of giving advice and instruction in all cases submitted to them, and of judging in controversies respecting Doctrine and Discipline, &c. [See Form of Gov. Chap. 11th. sec. 4th, and 5th,] yet as it is the peculiar province and business of Presbytery to licence candidates, they cannot be interfered with or supplanted in this duty. In like manner we contend, that as neither a Synod nor a General Assembly can licence a candidate to preach, nor imperatively order the Presbytery to do it, (although their proceedings are subject to the review of the higher judicatories, and their judgment may be reversed on an appeal in cases not exclusively and constitutionally entrusted to them) so we contend that neither a majority in a Congregation, a Presbytery, nor a General Assembly, can either take a Call themselves or imperatively order the Session to do it, contrary to their judgment and consciences, until they are fairly tried and set aside for misconduct. Now sir, permit us to enquire what is the language and plain import of the citation which has been served upon us, "To assign our reasons for not convening the Congregation for the purpose of choosing a Pastor, &c." Or in other words, to assign reasons for not doing our duty; and sir, this dereliction of duty must be attributed to one or more of the following causes, viz: Either we have been ignorant of our duty and therefore have not done it, or we have been slothful, negligent, or perverse, and therefore have not done it. Now sir, need we mention to this assembly, that either and all of these cases implies criminality. Ignorance of duty where means of information are at hand, and especially in rulers, can never be justified on any principle, and must plead guilty; the slothful servant who hid his talent in the earth, is termed a wicked servant, and all such must plead guilty. The neglectful or inattentive who are in places of trust or power, as the unfaithful watchman who neglects to deliver the warning message, or the cen-

tinal who sleeps at his post ; all such must plead guilty. As to per-
 verseness or adhering to what is wrong, it is clearly exemplified in
 the conduct of Chorasin and Bethsaida, of Pilate, Felix, &c. and must
 plead guilty. But sir, in relation to all these, we plead *not guilty* ; and
 although we have, out of respect for your authority, answered your
 call, yet we are entirely ignorant of the authority under which you
 have thus acted. We have examined the Constitution, to find there
 any warrant for such an exercise of power, but without effect. If, as
 the citation we think fairly implies, we are to be examined on the
 ground of not having done our duty, then our conduct is implica-
 ted, and the decision of Presbytery at their last stated meeting, in-
 terposes itself for our relief. "The Session is never amenable, as a
 Session, for malconduct, nor subjected to process for scandal, other-
 wise than as individuals." But if we are to take notice merely of the
 prayer of the petition according to the letter of it, which we believe
 is, (for we have twice been refused a copy by the stated Clerk) that
 this Presbytery should at once proceed to take a Call themselves, we
 are wholly at a loss to conjecture whence the power of Presbytery,
 or any of the higher judicatories of the Church, to take this business
 out of the hands of the Session, is derived. This Presbytery, sir,
 have given us a specimen of their just and upright views in this
 very matter. A petition has been laid on your table, signed by not
 only all the men and women in the Congregation, who could by art or
 argument be prevailed upon to engage in this cause, but even the
 children from fourteen years and upwards, have been called upon.
 The prayer of the petition, if we recollect it right, is in substance
 this: That Presbytery would take the right of obtaining supplies for
 the pulpit out of the hands of the Session, and transfer this right to
 this mixed multitude, or, in more correct language, to a few of their
 leaders ; but, sir, has this been done ? We say, can this be done ? And
 yet we see no kind of difference, between granting the prayer of this
 petition, and the prayer of the one now before you. We conceive in
 either case, the Presbytery would be granting a right which is fairly
 guaranteed to the Session by the Constitution of the Church, which
 can only be done by what we consider tantamount to an impeach-
 ment. This Presbytery will no doubt have noticed with what jea-
 lous care the different Presbyteries comprising the General Assembly
 have guarded against the least encroachment upon or interference
 with the rights of Presbytery, and in this they have done well ; and in
 this we desire humbly, and at a respectful distance, to follow their
 example ; and although considered as individuals and apart from our
 office, we would cheerfully take the lowest seat among our brethren
 in the Church, yet if we have been regularly called to take part in
 the management of the spiritual concerns of Zion, although but in
 an inferior capacity, we claim respect for the authority derived from
 our Master, though not for ourselves ; and here we beg liberty to re-
 mark, that in all we have been called upon to do or say, that appears
 to implicate the conduct of Mr. Ely, we consider that our situation
 and circumstances, imperatively demand it of us, and that Mr. Ely
 has been the aggressor from the commencement of this business. It
 would have much better comported with our feelings and the respect
 we have for the ministerial character, to have acted the part of Shem
 and Japhet, than that of exposing a brother's nakedness. We now

appear before this superior Judicatory, as the judges of an inferior ecclesiastical court, and we are called upon to give the reasons which have influenced us to act in this case as we have done, or in the language of the Citation, the reasons for not convening the Congregation for the purpose of choosing a pastor, &c. If it shall appear that we have "arrogated to ourselves powers, and exercised authority" not vested in us by the Constitution, and admitted or implied in former decisions of this Presbytery, let the proper remedy be applied. But if it shall appear that we have acted agreeably to the standards of our Church, and for the best interests of the Congregation, under existing circumstances, we hope and believe this Presbytery will not proceed to do what in our opinion the Constitution nowhere authorises them to do. Sir, we are willing to meet this question fairly on constitutional grounds, and we think we can answer the objections fairly and fully, and to the entire satisfaction of this Presbytery.

The Presbytery hath cognizance of all things that regard the welfare of the particular Churches, that are not cognizable by the Session—But Sir, this matter is cognizable by the Session, and as we conceive by the Session only, and it is the proper business of the Session to take notice when the people shall appear prepared to take a Call; and Sir, in the present case we believe, conscientiously, that in our situation and circumstances a Call ought not to be taken, unless we think it a light thing to connive at unscriptural, irregular, and disorderly conduct. We believe, sir, that it was "for such a time as this," that the wise framers of our constitution placed the Session as a barrier in the way of confusion and disorder. We believe it was for such a time as this, that our Form of Government [See chap. 7th, sec. 2nd.] gave even the Church Session the Power of "calling before them any offender against the order and government of the Church." Let us now, sir, fairly examine the question at issue, and the consequences which would result in either case. It is in effect a trial whether the Session shall rule and govern in the Church, or whether in this case certain individuals shall rule and govern.—For by the Constitution there is a power to govern somewhere. Now, sir, we contend that on the principles of the Gospel (and we believe our standards of government are founded on this solid basis) it would be wrong, it would be inexpedient in all cases, and particularly in this case, that a Minister who has shown no regard to the peace nor even to the order of the Church, but has perseveringly adhered to the object he has in view, viz. a settlement among us, and that a portion, say two-thirds, if you please, of the Congregation who have been led to a course of procedure as unscriptural as it is unwarranted by the Constitution of the Church, should meet with success in their present course when the Constitution imposes a barrier in the way. What is the language of Scripture as directed to the Churches on this point [see Hebrews 13—17] "obey them that have the rule over you, and submit yourselves, &c." [1 Thesal. 5th. 12th, 13th] "And we beseech you brethren to know them which labour among you, and are over you in the Lord." And we beg, Sir, that you will point us to any place in the Form of Government where the people are spoken of as a Church, or directed to proceed in any matter relating to the spiritual interests of the Congregation, without the concurrence or agency of the Session. Even, sir, when speaking of a vacant Congregation

assembling for public worship without a minister, it is particularly mentioned that the Elders or Deacons shall preside, and select the portions of Scripture and of the other books to be read [see chap. 21st, Form of Government.] Now sir, according to modern practice, it ought to be determined by a majority of votes who shall preside—We would now, sir, attempt to meet and answer the objections which have arisen from the 14th chap. of our Form of Church Government, and especially sec. 4th, where it is said, “If the majority shall insist upon their right to call a minister, &c.”—But, sir, is it not evident from the first section that this meeting has been regularly convened by the Church Session, for it is their proper business to take notice when the people are prepared, and to solicit the presence and counsel of a neighboring minister. So that, if in the judgment of Session, the people are not prepared, the people cannot constitutionally meet, nor can the business arrive at that stage spoken of in the 4th section.—But, sir, if the Session have been satisfied, that the people were prepared, then there is no difference of opinion on this point. The majority have a right to proceed to take a Call, when regularly convened by Session for that purpose; and the members of Session, at the Congregational meeting, can only recommend what they think most proper, having only a single vote each, as other individuals. If it can be shewn from our Constitution, either directly or by implication, that a majority of the people have a right to direct the Session to the performance of duty, contrary to their own judgement, and under any circumstances, we give up the point; and this we think is implied in the prayer, or at least in the object, of the petition. It has been intimated, that the Sessions of a vacant Church are not a judicatory, without having a minister to preside. In order to repel this error, we would just refer to the 14th chap. of Form of Govt. where in a case of great importance, viz. that of taking a Call, “the Session [i. e. the Elders of a vacant Church] shall solicit the presence and counsel of a neighboring minister, to assist *them* in preparing a Call; but, if, inconvenient on account of distance, &c. they may proceed without him.”—This is so plain, that “he who runs may read.” We proceed now, to mention some of the advantages which arise to the Church, from the peculiar construction of its government, according to the view we have now taken of it; and will also state a few of the unhappy consequences, which would follow the course our opponents have pursued themselves, and as we now conceive their petition to you would, if granted, in some measure sanction. The first important advantage is, that the Elders have been chosen by the people, and of course are supposed to have some qualifications to govern or rule. Let the Deacons [or Elders] first be proved, then let them use the office of Elders or Deacons, as the case may be, is an apostolic injunction.

2nd. The elders have, it may be fairly inferred therein, some regard for the interests of the Church—some evidence of their attachment to its principles and government—and have been of some standing among their brethren, before they were elected to office.

3rd. If the foregoing inferences are correct, then the elders must feel a personal, as well as a general concern, for the good of the Church; and if they have been faithful in the discharge of their duty, they ought to be better qualified to judge of what is best calculated to promote the interests of the Church, than Pewholders, some of

whom have heretofore shewn very, very little concern for its happiness.

4th. It being an important part of the duty of a Session to concert or devise the best measures for promoting the spiritual interests of the Church, they are more likely to attend to this important concern, than those whose duty does not require them thus to act.

5th. They have the power of checking disorder and insubordination in their first appearances, by calling before them offenders against the order and government of the Church.—We proceed now to some of the unhappy consequences which would follow the toleration of the course attempted to be pursued by our opponents, and first we will enquire what constitutes a Church; and this is fully answered [Form of Gov. chap. 1st. sec. 2nd.] “A particular Church consists of a number of professing Christians, with their offspring, voluntarily associated together for divine worship, and godly living, agreeably to the holy scriptures, and submitting to a certain form of Gov.”—Now sir, we have already stated our views of the Form of Government under which our members have voluntarily associated together, and we have attempted to prove the salutary effects of the provisions made by it; but it is objected,—By “this construction the people are deprived of their rights.” This we deny, and according to the principles laid down we call upon our opponents to shew where any right of the Congregation has been constrained in the premises. 2nd. Admit for a moment that a majority of Pewholders, without their officers, have a right to manage the spiritual concerns of the Church, and to proceed to take a Call.—In this case how easy would it be to introduce confusion and disorder, and to overturn the government and set aside all discipline in the Church, and in reality the Church itself by this means might be placed in the hands of schismatics and errorists, and by an easy transition become a Church of another denomination. 3rd. Another evil consequence as we apprehend of the doctrine of submission, on the part of the Session to a majority of Pewholders, under any circumstances, would be that it naturally tends to stir up strife and division, as has been done in the case before you, for reasons must be given either solid or apparent to induce a majority of the Pewholders to come forward—and let this principle be once established in the Church and you create two parties—the Session, and a majority of the People, who will alternately contend for the reins of Government, and each claim the legitimate right to paramount authority. 4th. We have no hesitation in giving it as our candid and deliberate opinion, that the leaders in this controversy are not Presbyterians in principle. We judge from their conduct and from their avowed sentiments. They have assumed the right of supplying the pulpit and of applying the funds of the Church, and that to an unreasonable extent, to the payment of their favourite candidate, in opposition to the established government of the Church. Is this Presbyterianism? They have decided that the Presbytery have passed Decretals tending to vitiate the Constitution and Form of Government, as hitherto published, to set it aside and to obscure its obvious sense and meaning. Is this like the language of submission and not of superiority? It may perhaps be enquired, what redress have the people, if they have been aggrieved by the conduct of Session? We answer.

They ought to prefer their complaint against them, as individuals, before Presbytery, who will hear and weigh the matter, and judge between the parties, that is, they will judge whether the conduct of the majority of Session has been such as to deserve the censure of the Presbytery. This we think is a fair and equitable course, and such as ought to be approved by the parties. There is another ground upon which we would oppose the present petition, viz. That the protest and remonstrance is still before the Church, and as the Presbytery have adjudged at their stated meeting, that this paper contains an accusation of the Session, we do not see how we can be called to answer twice before the same tribunal for the same offence. We are therefore of opinion, that the appeal from your decision on that instrument, ought to be withdrawn before you proceed to take up and decide on the petition. We think the consequences of your granting or refusal to grant the prayer of the petition before you (the former we are persuaded you will not do) may be in some measure anticipated and contrasted. We have, for three Sabbaths past, been left to worship by ourselves, that is, those who disapprove of the settlement of Mr. Ely.—His admirers having followed him to other churches. Still we are a Presbyterian Church in principle and government, and we are in no danger of becoming extinct, there having been at least between three and four hundred worshippers present, who are both able and willing to support a minister. But sir, were it possible you should grant the prayer of the petitioners, or suspend the powers of Session, neither of which we think the Constitution authorizes, what would be the result? We believe you would not long in that case have a Third Presbyterian Church, for we are persuaded, as already stated, the leaders of the petitioners are averse from the Presbyterian Form of Church Government, as we think they have sufficiently made manifest by their records in our possession. Having thus, Reverend sirs, given you a brief history of our proceedings, and the views we have of our constitutional authority, we beg leave to state that we have, as we believe, endeavoured to exercise the power with which we have been entrusted, in the fear of God, and under an impressive sense of our responsibility to the great Head of the Church. Our proceedings are now before you fairly and candidly. If we have erred in judgment, we are willing to be instructed, but we cannot give up any right or the exercise of any power necessary, as we conceive, in the government of the Church, and guaranteed by the Constitution. That you may be governed in your deliberations on this momentous subject, by that wisdom which cometh from above, and that you may be directed to follow that which shall make for, and issue in the peace and best interests of the Church, is the sincere and constant prayer of your and the Church's unworthy servants.

(Signed)

WILLIAM HASLETT,
JOHN M'MULLIN,

Committee.

Philadelphia, December 6th, 1813.

Read and adopted at a meeting of Session of the Third Presbyterian Church, December 6th, 1813.

Attest,

(Signed) JOHN M'MULLIN Clerk.

I do hereby certify the foregoing to be a true copy of the return of the Session of the Third Presbyterian Church, in answer to a Citation issued against them, by the Presbytery of Philadelphia, to assign their reasons, &c.

Attest,

THOMAS H. SKINNER, Std. Clk.

April 15th, 1814.

The preaching, and the doctrines of Church government contained in the foregoing Plea, may go for what they will fetch; and as to the assertions of these four Elders, we would only state, that our Congregation has had opportunity of hearing a great variety of preachers; that the Presbyterial Supplies, at least, discovered no reluctance to occupy the pulpit; that the minority of the Eldership *never* maintained the paramount authority, or admitted the interference, of the Congregation in *any* matter of *government* and *discipline*, which appertains to a Session; and that the only doctrine for which the minority have contended, are these.

1. That there is no Session without a ministerial Moderator.

2. That the election of Pastors and Elders, is inherent in the Congregation; and

3. That the obstruction of a congregational meeting or election, is no part of the government or discipline, with which a Session is entrusted by the Constitution.

In relation to the sidelong glance at the Ladies, observable on the 106th page, we state, that *the four Elders* who made this Plea, were the very persons who first invited the female pew-holders to attend, and who proposed and decided that they should have a vote. When they found, however, on which side the female influence was, they began to abuse the ladies for making use of a privilege to which they had publicly invited them. *No Session*, but four men, without a Moderator, adopted the Plea; and the only fact stated by them, which is true in all its bearings, is this, that they are "Your and the Church's *unworthy* servants."

After hearing the Commissioners of the Congregation, in opposition to the four Elders, the Presbytery came to the following fourfold conclusion.

TO THE COMMISSIONERS OF THE THIRD PRESBYTERIAN
CONGREGATION IN PHILADELPHIA.

The Presbytery having heard the reasons of the Session of the Third Presbyterian Church in the city of Philadelphia, why they have not appointed a time, &c. for taking a Call for the Rev. Ezra S. Ely, as the Pastor of that Church; and also, the reasons of a majority of Electors of said Church, in support of their petition to this Presbytery, praying an order for the taking such Call; and having maturely weighed the evidence and arguments, have resolved as follows:

I. That this Presbytery do fully approve the caution of the Session; and think, under the peculiar and trying circumstances of the case, they have shewed a becoming solicitude for the welfare of that Church, the care of which has devolved on them.

II. That this Presbytery do not consider themselves under obligation to decide, upon the same principles and reasons which have properly guided the Session; for whilst they did well to be influenced by the evidence of imprudence in the Candidate, and other considerations, this Presbytery will feel themselves bound to receive him, and install him in the charge, if he shall be duly called, leave given to prosecute the Call, and the Presbytery of New-York shall put it into his hand, and then dismiss him as a brother in good standing; for they are no further concerned in the question of the prudence of an ordained minister, in such case, than to prevent surprise.

III. That it has never been in the power of Presbytery until the present meeting, orderly to direct such Call to be taken; a number of the people of said Church having, in the *first* instance, prosecuted the Session; in the *second*, an illegal Call having been taken: and in each instance the proceedings being delayed by Appeal. And the people having, in their applications to this Presbytery, as well as by their proceedings in their own convocations, arraigned both the knowledge and justice of this body, as well as the motives of its members

IV. That nevertheless, whilst this Presbytery do solemnly charge the people of that Congregation, to maintain peace and orderly behaviour towards one another, and due submission to the officers placed over them, and to avoid every thing that may bring a reproach upon religion; they do advise and direct, that the said Session, within twenty days from the date of this decision, or after the final determination of this cause, having given Constitutional notice, convene a Congregational meeting for the purpose of electing a pastor; and that on the day appointed, the minister who shall be invited by them shall preach a sermon, and immediately proceed to take the votes of the electors, for a pastor, if such shall be their desire, according to the Form of Government, and discipline of the Presbyterian Church, and to make due return to this Presbytery; and that they be furnished with a copy of this resolution.

A true copy,

Attest,

THOMAS H. SKINNER, Std. Clk.,

Philadelphia, December 9th, 1813. 

In the foregoing Resolutions the Presbytery, by implication at least, impeached Mr. Ely. They should not have heard any accusations against him, so long as he was in good standing. Again,

“IT is not the manner of the Romans to deliver any man to die before that he which is accused have the accusers face to face, and have licence to answer for himself concerning the crime laid against him.” Acts xxv. 16.

Thus spake a heathen magistrate; but the Presbytery of Philadelphia suffered Mr. Ely to be accused, and even proceeded, in their decisions, to impeach his character, without giving him the opportunity of hearing the accusation, or of answering in self-defence.

May not the accused and his friends, ask with Nicodemus, Doth our law judge any man before it hear him, and know what he doeth? Does the law of the Presbyterian Church allow any ecclesiastical judicatory to be partial and unjust?

“No accusation shall be admitted, as the foundation of a process before an ecclesiastical judicatory, but where such offences are alledged, as appear, from the Word of God, to merit the public notice and censure of the Church. And in the accusation, the times, places, and circumstances, should be ascertained, if possible; that the accused may have an opportunity to prove an alibi, or to extenuate, or alleviate his crime.” Const. Pres. Ch. p. 427 Is the fault of *imprudence* in writing and publishing, a crime of the above description? Has any one alledged the times, or places, or circumstances of Mr. Ely’s *imprudence*?

The Constitution of our Church declares, p. 428, that no complaint or information shall be admitted by any ecclesiastical judicatory, unless the form of process enjoined in Matt. xviii. 15, shall have been previously complied with. But not one of Mr. Ely’s accusers, not one member of the Presbytery, ever privately reprov’d him, or sought to effect that reformation, which their public acts pretend to be necessary in him.

No copy of the charges to be made against him, was ever presented to him. The witnesses to be adduced were never named; nor were ten days allowed for his appearance and defence, after charges, or rather slanderous implications, were alledged before the Presbytery. Yet at the same meeting of Presbytery, his accusers were the only witnesses, and the Reverend tribunal proceeded to judgment, contrary to the Form of Process, ch. I. art. 4.

No oath was required of any witness, which was a violation of the same Form, ch. 1. art. 8. The next article declares that "the trial shall be open, fair and impartial. The witnesses shall be examined in the presence of the accused; or at least after he shall have received due citation to attend: and he shall be permitted to ask any questions tending to his own exculpation." The accused was in the city during the investigation, and some members of the Presbytery insisted, that if it was proper to investigate Mr. Ely's character at all, it was requisite that he should be invited to attend. He was not invited.

It was, in fact, incorrect for the Presbytery of Philadelphia to hear any charges against a regular member of another Presbytery, and to express any opinion about them; but it was glaring injustice, to hear for half a day, dispute for one long evening, and finally judge so as to affect his reputation, without intimating that he might be heard in defence.

The second chap. article 1. of "The Form of Process," guarantees to each Minister of the Presbyterian Church, that "Process, against a Gospel Minister, shall always be entered before the Presbytery of which he is a member." This was not done in the present case. "And, in case it shall be found that the faults with which he shall be charged happened without the bounds of his own Presbytery, they shall send notice to the Presbytery within whose bounds they did happen." All the facts of imprudence *SAID to have been committed*, were facts of speaking to intimate friends freely, and of publishing a Sermon, a Contrast, and a volume of Poems in New-York. That he was the author of the volume of Poems, quoted in Presbytery by Mr. Haslett, the principal accuser, was never proved; but it is necessary neither to affirm nor to deny it. Since, however, the alledged facts of imprudence transpired within the bounds of the Presbytery of New-York, he should have been accused and tried before his own Presbytery.

Had he been charged with facts of imprudence or of falsehood in the city of Philadelphia, the Presbytery of whose injustice we complain, should have taken the testimony concerning these facts in his presence, and should have transmitted it, with the accused person, to New-York. p. 432 of Con. Perhaps, they had wisdom, in this case, to admit, that "it seemeth unreasonable to send a prisoner, and not withal to signify the crimes laid against him." Acts xxv. 27.

At the same meeting of Presbytery,

The Commissioners in behalf of the majority of the people in the Third Presbyterian Church presented to Presbytery the following petition, viz :

“ We the subscribers, pewholders, communicants, and others (of the age of 14 years and upwards) belonging to the families of pewholders and communicants, and who statedly attend public worship in the Third Presbyterian Church in Philadelphia, and have an interest in the spiritual concerns of said Church, do respectfully request, that the Rev. Presbytery will permit the Congregation to invite the Rev. Ezra Stiles Ely to preach in said Church on Sabbath and Wednesday evenings, until the next meeting of Synod. We are induced to prefer this request to the Rev. Presbytery, on the presumption, that they will respect our wishes and feelings, as well from the consideration that we have, by experience, known somewhat of the ministerial qualifications of the said Rev. Ezra Stiles Ely, and believe his labours in the Gospel among us have been attended with the blessing of God, as also the repeated expressions which the Congregation have given of their desire to have the said Ezra Stiles Ely as their Pastor.”

[Signed by 598.]

On motion, resolved, That the prayer of the above petition be granted.

From this decision of Presbytery, the Session appeal to the Synod of Philadelphia.

Messrs. Potts, Reeve, and Dunlap were appointed to represent this Presbytery before the Synod of Philadelphia at their next meeting, as Commissioners to defend the above decision of Presbytery, from which the Session of the Third Presbyterian Church have appealed.

A true extract from the minutes of the Presbytery of Philadelphia.

Attest,

THOMAS H. SKINNER, Stated Clerk.

In consequence of the permission of the Presbytery, the Commissioners of the Congregation requested Mr. Ely to preach in the church in Pine-street on Sabbath and Wednesday evenings, and he complied with their invitation.

What was doing in New-York, in the mean time, we learn from the Minutes of that Presbytery, which convened on the 6th of December, 1813.

EXTRACT FROM THE MINUTES.

“ Mr. John E. Caldwell, in behalf of the Rev. Ezra Stiles Ely, presented to this Presbytery the certificate of dismissal and recommendation which this Presbytery gave Mr. Ely, at their *pro re nata*

meeting in November last, with the view of uniting himself with the Presbytery of Philadelphia, stating that the Rev. Mr. Ely had not offered himself to join the Presbytery of Philadelphia, and requesting to be again received as a member of this Presbytery.

“Whereupon, Resolved, That Mr. Ely be and he is received as a member in full standing with this Presbytery.”

Before this resolution was adopted, the Rev. Mr. Boardman objected to Mr. Ely's regaining his seat, on the ground of certain rumours, which, he said, were in circulation against his veracity. He retracted, however, upon being informed that he had exposed himself to prosecution by such an unconstitutional introduction of such a matter. From the above resolution Dr. J. R. B. Rodgers, an elder, dissented, because he said that he believed the reports. He, too, was compelled to recant; so that the restoration was as unanimous as the dismissal. Then came the following minute.

“Whereas it has been represented on this floor, that certain reports are in circulation touching the veracity of the Rev. Ezra Stiles Ely, in relation to a certain correspondence of Mr. Ely with Benjamin Wickes, one of the Elders of the Pine-street Church, Philadelphia.

“Therefore, Resolved, That the Rev. Mr. Perrine, and the Rev. Mr. Spring, and the Rev. Mr. Boardman, Ministers, together with Dr. John R. B. Rodgers, Mr. John Mills, and Mr. John E. Caldwell, Elders, be a Committee to examine into this subject, and report as soon as possible.

“On motion, Resolved, That Mr. Ely be forthwith furnished with a copy of this minute.”

On the tenth of December, Mr. Perrine left a certified copy of the above at the door of Mr. Ely's lodging in Philadelphia; but on being invited to walk in and see Mr. Ely, he declined.

At the same meeting of the Presbytery of New-York, a Call for Mr. Ely was presented from the Third Presbyterian Congregation in the city of New-York. A motion being under consideration for putting the Call into his hands, some opposition was made by a minority of the people, who introduced Mr. Ely's Journal, Contrast, and a volume of Poems attributed to him; and in short, quoted and commented on the same things which Mr. Haslett had objected to in the Presbytery of Philadelphia. It was evident, that his defence of Calvinism in opposition to Hopkinsianism, was the procuring cause of this trial commenced, and of the opposition to the Call.

On the 7th of December, the Commissioners of the Congregation, Messrs. Samuel Torbert, Epenetus Smith, Solomon Whaler, Strong Sturges and Samuel Cowdrey, made an able defence of their Call; and the Presbytery, "resolved, that all further proceedings respecting the Call of the Rev. Ezra Stiles Ely, now under consideration before this Presbytery, be postponed, until the Presbytery shall have decided on the subject referred to a Committee of this body, relating to the veracity of Mr. Ely."

COMMITTEE ON THE REPORTS, &c.

On the evening of the 7th of Dec. the Committee appointed by the Presbytery of New-York met, and "Resolved that the Rev. M. L. R. Perrine and John E. Caldwell be appointed to proceed to Philadelphia, for the purpose of collecting all possible information in relation to the subject referred to this Committee." Pursuant to this appointment, Mr. Perrine came to Philadelphia to obtain "all possible information," from Mr. Ely's opponents in the Session of Pine-street, and the Presbytery of Philadelphia; but he did not condescend to call on his co-presbyter, Mr. Ely, and gather any of the *possible* information from him.

On Dec. 13th, 1813, the Committee met again, and the

"Rev. Mr. Perrine, one of the committee appointed to go to Philadelphia, for collecting information, reported, that he went to Philadelphia, and obtained certain papers relative to the subject referred to this Committee, which he laid before the Committee as his report. Mr. Caldwell being interrogated as to his reasons for not accompanying Mr. Perrine to Philadelphia, stated, that considering this mode of proceeding, under the circumstances of the case, both unnecessary and incorrect, he did not, on serious reflection, think it his duty thus to sanction the measure by this unnecessary co-operation on his part: and farther, that, independently of the above reasons, it would have been impracticable for him, at so short a notice, without an unjustifiable sacrifice, to leave his home and business for this purpose.

"Ordered, that the above mentioned papers produced by Rev. Mr. Perrine be read: which were accordingly read, as follows:

- 1st. a letter from E. S. Ely to Capt. Benjamin Wickes, dated New-York, Nov. 16th, 1812.
- 2d. Benjamin Wickes to E. S. Ely, Philadelphia, Dec. 9th, 1812.
- 3d. Ph: Milledoler to Capt. B. Wickes, Jan. 13th, 1813.
- 4th. J. M. Mathews to J. Queen, Jan. 12th, 1813.
- 5th. Dr. M'Leod to Wm. Smiley, Jan. 2d, 1813.
- 6th. Dr. Milledoler to Capt. Wickes, Jan. 18th, 1813.
- 7th. J. E. Caldwell to J. Steel, Feb. 13th, 1813.

8th. Dr. Romeyn to J. Steel, Jan. 7th, 1813.

9th. Dr. Milledoler to James Stuart, June 4th, 1813.

10th. Dr. Romeyn to J. Steel, June 4th, 1813.

11th. Dr. Clark to Wm. Haslett, Jan. 4th, 1813.

12th. Mr. Ely to the Elders in Pine-st. Oct. 29th, 1813.

13th. Mr. Ely to Four of the Elders of Pine-st. Nov. 5th, 1813.

“Resolved, that the above papers be laid before Presbytery.

“From this resolution in its full extent, Mr. Caldwell dissented, and was of opinion that those papers only should be laid before Presbytery, by this Committee, which relate to the subject of their appointment.

“Resolved, That from the view which this Committee have taken of the correspondence between Mr. Ely, Capt. Wickes and Dr. Milledoler, they feel constrained to lay that correspondence before the Presbytery, as so far affecting the veracity of Mr. Ely as to require their examination.

“From this resolution, Mr. Caldwell dissented.

“Resolved, that Mr. Caldwell be appointed to request Dr. Milledoler to furnish the Committee with all the facts that may have come to his knowledge touching the veracity of Mr. Ely in the correspondence with Capt. Wickes.

“Adjourned, to meet on Wednesday morning at half past nine o'clock, at the lecture room of the Brick Church.

“Concluded with prayer.

“15th December 1813, half past 9 o'clock, A. M.

“The Committee met according to appointment. All the members present. Began with prayer. The minutes from the beginning were read.

“Mr. Caldwell reported, that according to appointment, he had waited on Dr. Milledoler, and stated to him the request of the Committee: that Dr. Milledoler answered, he had no facts relative to the subject in question to communicate to the Committee, other than what the Committee appeared to be in possession of. Mr. Caldwell asked Dr. Milledoler for the letters of Capt. Wickes to him. Dr. Milledoler declined to give up those letters, as they were of a confidential nature.

“Resolved, That certain papers laid before the Committee this morning, which the Committee have not had time to read, but which are said to be relative to the business pending before this Presbytery, be laid before that body.

“Mr. Caldwell objected to the laying said papers before Presbytery, as he deemed them foreign to the object of the appointment of this Committee.

“On motion, Resolved, that the minutes of this Committee be laid before Presbytery as their Report. Adjourned. Concluded with prayer.

Attest,

(Signed) MATHEW LA R. PERRINE, Chairman
JOHN E. CALDWELL, Clerk.

On the 15th of December, 1813, the Presbytery of New-York met, according to adjournment, and accepted of the Minutes of the Committee, as their Report to the Presbyte-

ry. Besides reading to the Presbytery the documents named in the Minutes of the Committee, which were accepted as a part of the Report, other documents were produced by the same Committee, and read to the Presbytery. In short, they read most of the transactions of the Presbytery of Philadelphia in relation to Pine-street Congregation and Mr. Ely, besides Mr. Haslett's long exposition of Sessional power and government.

From the adoption of the Committee's Report, by the Presbytery of New-York, the Rev. George Faitoute, and Mr. John E. Caldwell dissented. In addition to the Dissent, the following document may be found on the records of the said Presbytery.

PROTEST.

The undersigned, Ministers and Elders of the Presbytery of New-York, dissent from, and protest against, the decision of Presbytery, upon the minute of the Report of the Committee of investigation on the subject relating to the veracity of the Rev. Ezra Stiles Ely, for the following reasons:

The said decision appears to us calculated to prevent the accused from availing himself, on his trial, of part of the evidence laid before this court as the foundation of the process against him, in as much as said minute does not particularize all the papers referred to in the report of the Committee read in Presbytery as part of the same, and that no order was taken to preserve those papers on file, as part of the minutes of this Presbytery, to be afterwards used for the benefit of whom it may concern.

When said Committee, instead of digesting the evidence which they had collected, in order to ascertain its bearing upon the special object of their appointment, offered their own minutes, and a collection of papers referred to in those minutes, as their Report to Presbytery, a member of that Committee *objected* to the reading of some of those papers, stating as his reasons, that many of them which had been read in Committee had no relevancy to the question of Mr. Ely's veracity, and that a great part of them had not been read at all by the committee which submitted them; and before the report of this committee was accepted, a *reference* of the whole subject to the said committee, that they might prepare a more regular and correct report on the premises, was moved and seconded.

The *objection and the motion* were both overruled. The papers referred to were read as part of the Report, and none of them was read under any other pretence whatever. Notwithstanding, when it was moved and seconded, to add to the minute stating the acceptance of the Report, "That said papers should be marked and put on file together, as distinctly relating to and part of said report," this motion was likewise negatived. This decision of Presbytery appeared to us calculated to prevent any future detection of the irregularity of its proceedings in this matter, and deprive the accused on his trial of the benefit of documents which had been read in

open court, and which might, whether designed or not, have made a public impression injurious to him. Moreover, when it was moved and seconded, to enter upon the minutes of Presbytery an objection to said decision in our own language, we were, in this also, overruled, and no alternative left us to exonerate our consciences, but to enter this our Protest against said procedure.

New-York, 23d December, 1813.

(Signed)

JOHN M'NEICE, V. D. M.
 GEORGE FAITOUTE, V. D. M.
 BENJ. COE,
 THOMAS BAYLES, } Elders.
 JOHN E. CALDWELL, }

At the meeting of the Presbytery of New-York, on the 15th of Dec. the following Letter and Petition were received.

LETTER FROM MR. ELY, TO THE PRESBYTERY OF NEW-YORK,

Reverend Moderator and Brethren,

Some one, whom I had not the honor of seeing, and whom the domestic did not know, left at the door of my present residence in Philadelphia, a letter containing an extract from the minutes of the Presbytery of New-York, "touching my veracity," which was signed, as I believe, by the autography of the Rev. M. L. R. Perrine.

It gives me pleasure in the present instance, to address a Judicatory which understands the order of ecclesiastical process, and which is constituted the guardian of the reputation of each of its members. To you, therefore, I look, Reverend Brethren and respected Elders, with confidence that you will ascertain the authors of this injurious report concerning me, to which you allude. I beg you to ask of each person who represented on the floor of the Presbytery that such a report existed, "of whom did you hear it?" This, I think, will discover the sources of the calumny; for I solemnly assure you, that since I have been a member of your Reverend Judicatory, I have neither written nor spoken any thing, to any one, which I know, or believed, to be false. More than this I have nothing, at present, to declare, concerning my own character; but for the information of the Presbytery, I will take the liberty to call their attention to the following facts. 1. No one has ever called on me, according to the rule of our Saviour, to inform me that I have offended. 2. No one, who made a representation on the floor of the Presbytery, that there were scandalous reports in circulation, ever informed me, either in a brotherly manner, or otherwise, that such rumours were in circulation. 3. Benjamin Wickes, who was bound to do it by the laws of Christ, never asked of me an explanation of any thing, which he might have thought to be an impeachment of my veracity. 4. My letter to Benjamin Wickes, which you give me to understand is suspected of containing the possibility of yielding a charge of falsehood, was dated Nov. 16th, 1812, and on Nov. 13th, 1813, the Presbytery of New-York gave me a certificate of

good standing. Of course I was in good standing, for the space of a year, wanting three days, after the crime imagined to have been committed, was, if ever, actually perpetrated. Did the informing members of Presbytery hear these reports before the certificate was given? 5. According to your own minutes, the suspected crime was committed more than a year before any process was commenced; and according to the same minutes, a *clamorous report* must have been excited in New-York in the short space of time which elapsed between your sessions on the 13th Nov. 1813, and on the 7th of Dec. in the same year. If COMMON FAME has loudly proclaimed the scandal in so short a time, as to make it necessary for the Presbytery of New-York to investigate this matter, she must have fled from Philadelphia with more wings than the ancients gave her, and with a new accession of ten thousand tongues. 6. Our excellent Constitution states, page 433, *that* "as it is the duty of all Christians to be very cautious in taking up an ill report of any man; it is especially so of a Minister of the Gospel."

It only remains for me to assure the Presbytery, that I should be happy to attend their next meeting, but in my estimation imperious duty prevents it; and I hope the Presbytery will sustain this as my excuse for absence.

Expressing my prayer, that the love of the brethren, and the love of the Lord Jesus, who died for us, may influence you in all your proceedings, I subscribe myself your fellow-labourer in Christ.

E. S. ELY.

Philadelphia, Dec. 13, 1813.
The Rev. Moderator, &c.

PETITION

TO THE REV. THE MODERATOR OF THE PRESBYTERY OF
NEW-YORK.

The Petition of the Session of the Third Presbyterian Church in the city of Philadelphia, respectfully sheweth;

That your Petitioners have long had the distinguished privilege of conducting the spiritual interests of this Church, in conjunction with our Revd. Pastors, some of whom have been removed by death, and others to different parts of the Church. That we have, for many years, had the pleasure of seeing the Church prosper, its ordinances attended upon with solemnity and reverence, and peace and good order generally prevail among its members. We are sorry to state to your Revd. Body, that this agreeable state of things no longer exists among us.

The Rev. Ezra Stiles Ely, a member of your venerable body, came into the bounds of our once happy society, in the Fall of last year, and was kindly received. Some of the Congregation were pleased with his preaching, others were not. The Session were led, in their official capacity, to make enquiry respecting Mr. Ely's suitableness to become our Pastor, and the result has been, that we did not think him suitably qualified for that relation. The grounds of our objections we have been called upon to state before the Rev. Presbytery of Philadelphia.

Under these circumstances, we were requested by some of Mr. Ely's friends, early in June last, to invite Mr. Ely to supply our Pulpit. We, after mature deliberation, considered it inexpedient so to do, and passed a resolution to that effect. On the 7th June, at a meeting of the Congregation called by the Session for another purpose, the friends of Mr. Ely voted to invite him to preach in our church as a Probationer for three months, which they did accordingly; and on this invitation, and in direct opposition to a resolution of the Session, Mr. Ely came and took the Pulpit out of our hands. Since that period, certain individuals have voted a Call to Mr. Ely, which has been declared null and void by our Presbytery. They have, moreover, petitioned the Rev. Presbytery, for permission to have Mr. Ely as a Supply on Sabbath and Wednesday evenings, until next meeting of Synod, which petition Presbytery has been pleased to grant, and from which decision the Session has appealed, as well on the ground of their exclusive right to provide Supplies, as the expediency of the measure. The friends of Mr. Ely have again invited him to supply our Pulpit on Sabbath and Wednesday evenings, which, in our opinion, is only calculated, under existing circumstances, and in our present unhappy convulsed situation, to increase our difficulties and not to remove them; and Mr. Ely has commenced preaching in our Church on last Lord's day evening. We therefore earnestly intreat your interference in the premises, and that you will exercise the power vested in your Rev. Body for promoting the peace and good order of the Church, and recall the Rev. Ezra Stiles Ely from within the bounds of this Congregation. And that the pleasure of the Lord may prosper in your hands, is the prayer of you and the Church's servants.

(Signed)

BENJ. WICKES,
ROBT. M'MULLIN,
JNO. M'MULLIN,
WM. HASLETT.

A true Copy.

JOHN M'MULLIN.

Against the foregoing Petition, the Minority of the Session offered the following

PROTEST.

We, Ferguson M'Elwaine, James Stuart, and William Smiley, Elders of the Third Presbyterian Church in the city of Philadelphia, protest against the resolutions of William Haslett, John M'Mullin, Robert M'Mullin, and Benjamin Wickes, Elders, to forbid the Rev. Mr. Ely to preach in this Church, and for complaining against him to the New-York Presbytery, for two reasons.

1st. Because they do not constitute a Session without a neighbouring Minister for a Moderator: and

2d. The Session of a Church, when legally convened with a Moderator, has no right to forbid a Minister of Christ to preach in any place opened to him by Presbytery. And we do hereby appeal to the Presbytery of Philadelphia.

December 13th, 1813.

(Signed)

F. M'ELWAINE,
JAMES STUART,
WILLIAM SMILEY.

The Presbytery of New-York, disregarding the candid and dignified letter of Mr. Ely, resolved to cite him to answer to a charge of Falsehood; and ordered the Petition to be entered on the docket for future consideration.

On the 16th of December, Mr. Perrine was appointed to draft a Citation, which being presented, was amended and accepted. Against the proceedings, the Minority of Presbytery gave notice that they should protest. The Citation and Protest follow.

CITATION.

TO THE REV. EZRA STILES ELY.

Dear Brother,

You are hereby cited to appear before the Presbytery of New-York, in the Session-Room of the Brick Church in the city of New-York, on the last Wednesday in January next, at 11 o'clock, A. M. to answer to the charge of Falsehood (circulated by common fame) and said to be contained in a correspondence between yourself and Capt. Benjamin Wickes, one of the Elders of the Third Presbyterian Church in the city of Philadelphia, and the Rev. Philip Milledoler of the city of New-York.

That you may distinctly understand the nature of the Falsehood, you are hereby informed that, in your letter to Capt. Wickes, bearing date Nov. 16th, 1812, you have used the following expressions, viz. "He" (Dr. Milledoler) "is unpleasantly situated here, because of Hopkinsianism, and I think will leave his present charge. There is some talk of calling him to one of the Dutch Churches; but he has no greater attachment to any people than to you. Still he thinks, from his age and standing in the Church, that he could be more useful to the Church at large, were he to be successor to Dr. Green. That Congregation, you know, has more influence in the General Assembly than any other. Now I can tell you his heart. He would wish to be removed himself to Arch-street, and to have me removed to Pine-street. With this you must not be offended, and you know Dr. M. too well to think that mere popularity could induce him thus to judge. I have the honour of his confidence, and he often says, 'if I go to Philadelphia I should wish you to go too.' And that in a letter dated New-York, January 13th, 1813, addressed to Capt. Benjamin Wickes, Dr. Milledoler has the following expression, viz. "In your letter of the 8th of January, you inform me that Mr. Ely had written to you under date of November 16th, as follows, 'Dr. Milledoler is dissatisfied or unpleasantly situated where he is, and wishes to be removed to Arch-street as successor of Dr. Green.'" I hope sir, that you have given no publicity to those lines, as I can assure you, that I had no knowledge whatever of Mr. Ely's writing such a letter, nor have I the most distant recollection of ever having expressed such a wish to him, or to any other person living. If you should have communicated Mr. Ely's letter, it is my particular and earnest request, that you will counteract the impression, it is

“calculated to produce, by an immediate counter statement. Whilst writing the above, Mr. Ely called at my home. I thought it my duty to read to him, that part of your letter which contained the quotation from his. Mr. Ely declared it to be incorrect; and that his letter to you contained no such words.”

That you may be the better prepared to meet the charge, you are also hereby informed, that in addition to the evidence, which the above mentioned letters afford, a letter of Capt. Wickes to Dr. Milledoler, bearing date January 8th, 1813, will be called for. And that the Rev. Dr. Milledoler of the city of New-York, and Capt. Benjamin Wickes, Mr. John Steel, merchant, and Mr. James Stuart, of Philadelphia, will be cited to appear as witnesses in the case.

Signed by order of the Presbytery.

(Signed) ISAAC LEWIS, Moderator.

(Signed) WILLIAM BOARDMAN, Clerk.

Done in Presbytery, Dec. 14th, 1813.

A true extract from the minutes.

Attest,

MATTHEW L. R. FERRINE.

PROTEST.

The undersigned, Ministers and Elders of the Presbytery of New-York, dissent from, and protest against, the act of Presbytery ordering the CITATION, contained in the above minutes, to be sent to the Rev. Ezra Stiles Ely, to appear before them, and answer to a charge of Falsehood, &c. as therein stated, for the following reasons, viz.

I. The alledged offence, made in this Citation the matter of a charge, is, in our opinion, too indefinite to be made the subject of Church censure, and the charge itself not susceptible of proof by this judicatory; and to institute a process under such circumstances, is vexatious and contrary to “Forms of Process,” &c. chap. 1. 2.

Whether we consider the assertion, concerning the wishes of Dr. Milledoler, made in Mr. Ely’s letter to capt. Wickes, or the subsequent denial of Mr. Ely to Dr. Milledoler, of the accuracy of the quotation made from said letter by capt. Wickes, both facts admitting them as proved, are capable of an explanation consistent with veracity, and on no interpretation can they amount to that species of crime which could justify his being arraigned before the Church Judicatories on a charge of Falsehood; by which is manifestly understood, an expression or expressions uttered or written with a deliberate design to falsify the truth.

And no public rumour, however loud, can make that a crime which is not so in its own nature.

According to the Constitution of the Presbyterian Church, no crime can be established by one witness, however respectable that one may be. See “Forms of Process,” chap. 1, sec. 7.

There was no evidence produced to Presbytery, that the overt act, or acts, alledged against Mr. Ely, as Falsehood, could be proved by the testimony of more than one person, and this same person, in a subsequent letter read in evidence before Presbytery, acquits Mr.

Ely of the charge of Falsehood, and declares farther that he believes Mr. Ely to be incapable of that crime.

II. Because the complaint against Mr. Ely, upon which this Citation is founded, was admitted by this Presbytery in an irregular manner, as appears from the following facts. 1st. Said complaint was made, in the first instance, with a view to deprive him of his seat in Presbytery, and ultimately, upon the Report of a Committee, who had flagrantly transgressed the bounds of their authority in introducing a large collection of papers before Presbytery as part of their Report, the greater part of which had no relation to the charge against Mr. Ely's veracity, and some of which the Committee, according to their own acknowledgment, had not themselves previously read. 2d. The complaint was admitted more than a year after the fact took place which was first alledged and made known to the accused as the foundation of this process, without any proof being offered to this court, that it was but recently known to the complainants, or had recently become flagrant, contrary to "Forms of Process," chap. 1. sec. 16. And 3d. Those members who brought this complaint before Presbytery, did not make it appear that they had previously dealt with the accused upon the subject which was originally private. And that it was not public in the estimation of the complainants, 26 days before, is evident from their giving to Mr. Ely, at that time, a regular dismissal and full recommendation. And 4th. The Presbytery admitted such complaint without its being reduced to writing.

III. We protest against this Citation, because, in our estimation, it contains an assertion not founded in fact. It is said, that the charge against Mr. Ely is circulated by *common fame*; although no evidence was laid before Presbytery at the time the complaint was made, or at any subsequent period, that this was the case. And it appears to us, by two conclusive facts, that it is otherwise. 1st. This Presbytery gave him a regular dismissal a few weeks before, and nearly a year after the alledged offence is said to have been committed. 2d. Two very large Congregations are earnestly prosecuting at this time a Call to him; the Commissioners of one of which Congregations, after attentively hearing and observing all that has passed in Presbytery in relation to this subject, at the close of the proceedings renewed their application to Presbytery, to have their Call put into Mr. Ely's hands, stating that the number in favour of calling Mr. Ely had increased since their first application. By all which it appears manifest, that public fame is in his favour and against his accusers.

IV. We protest against this Citation, because the assertion that the charge is circulated by common fame (incorrect as we believe it to be) appears to us to have been introduced with a design to remove from the individual complainants, by a transfer to the judicatory, the burden of responsibility; a burden which no judicatory should be disposed unnecessarily to bear; and which, in this instance, a conscientious sense of our duty, both to the accused and to the cause of truth and righteousness, will not permit us, as members of this body, to be partakers of.

The V. Reason of Protest we assign, is, that this form of citation is ambiguous and equivocal.

Without being an accusation, it has the effect of an accusation. It states, that there is a charge; but it does not point out its authors:

It affirms that a charge is circulated by common fame; but it neither affirms nor denies that a charge is formally made by any party or any judicatory against the accused. It in short, confounds what ought to be perfectly distinguished, the *libel* and the *citation*.

It is admitted that our *Forms of Process*, &c. do not furnish the form of either a Libel or a Citation, or assert in so many words the distinction between them; but the discipline of the Scotch Church, from whence this system is drawn, is specific in such cases; and it was presumed by the framers of our discipline, that all judicatories, however deficient the members might be in the knowledge of ecclesiastical law, would be directed by common sense in making the obvious and essential distinction between the charge itself, and the citation to appear to answer to such charge. This distinction is uniformly taken for granted in the Discipline of the Church. Chap. I. sec. 4. and II. sec. 5.

VI. Reason of Protest. Because the process now commenced is, in our estimation, vexatious; and from the circumstances under which it is commenced, calculated to irritate the supposed offender, rather than to bring him to repentance, if he were guilty; while it is an unnecessary spreading of scandal, tending to grieve the godly and dishonour religion: which is contrary to *Forms of Process*, chap. 1. sec. 3.

It appears in evidence before Presbytery, from Documents presented by their Committee and read as a part of their Report, that Mr. Ely has had in this judicatory certain personal opponents; that a violent controversy exists about calling Mr. Ely to the Third Presbyterian Church in Philadelphia; that his opponents there have, in opposition to the jurisdiction of their own Presbytery, and in violation of the spirit of *Forms of Process*, chap. 2. sec. 2. petitioned this Presbytery to call Mr. Ely from Philadelphia; that this Presbytery preserve on their docket for future consideration, this complaint irregularly preferred to them; and it appears also, that the rumours, upon which the Citation to Mr. Ely is founded, were known to the complainants in this Presbytery when they granted a regular dismission to the accused, and were not brought forward in public, until a Call was made to him to settle in this city, by the Congregation in Rutgers street. All these circumstances taken together, are calculated to excite a suspicion in the mind of the accused, that this trial has not for its object his personal reformation; but is designed by his opposers to prevent his settlement in either in Philadelphia or New-York.

VII. We protest against this measure as being, in our judgment, calculated to dishonour religion, diminish the dignity of Presbyterian Church order, and to degrade in public estimation this respectable judicatory.

It appears in evidence before Presbytery, that Ministers of the highest standing in society, both for capacity and integrity, in communion with four different denominations of Presbyterians in this city, and all of them intimately acquainted with Mr. Ely and with the charges alledged against him, have recommended his moral and religious character, against the attacks of his opponents. It appears that two very large Congregations, one in Philadelphia and the other in New-York, have, by very large majorities, in defiance of the most powerful exertions of their opponents,

given to Mr. Ely a Call to be their Pastor, well knowing all these allegations against him. And yet this Presbytery, by a majority of *seven or eight to five*, have taken upon themselves, on a dubious point, in which the only witness to the alledged fact, Dr. Milledoler, has most unequivocally contradicted the charge of Falsehood and declared the cruelty of it, to institute this, in our opinion, vexatious process. It must therefore be expected that, however favourably we may judge of the motives of the majority, the public will consider this Presbytery, who, in the very face of their own certificate, carry on this process, to use the mildest language, as acting a very strange part. Such a suspicion will operate against the dignity of Presbyterianial order, against the honour of the Presbyterian Church in this city, against the harmony and edification of Congregations, and against the cause of God in the hands of the Church. It cannot fail, also, to operate against the introduction to the important vacancies under this Presbytery, of any minister of reputation in the Church. No man of public respectability and independence of mind, will be disposed to confide his reputation in the hands of a judicatory, whose proceedings might have a tendency to furnish any ground for the belief or the apprehension, that they would ever act in a partial, resentful, or overbearing manner, to the prejudice of an individual opponent, and the injury of the Christian cause.

For these reasons, we protest against a measure, which, in our humble opinion, is not of local and temporary, but of lasting injury to this Church. We have endeavoured to correct it in its origin, and through every step of its progress. But we have laboured in vain. Nothing now remains but to exonerate, in the sight of God, and according to the Constitution of this Church, our own consciences, by this Protest.

(Signed)

JOHN M'NEICE, V. D. M.
 GEORGE FAITOUTE, V. D. M.
 BENJAMIN COE,
 THOMAS BAYLIS, } Elders.
 JOHN E. CALDWELL, }

New-York, Dec. 23, 1813.

THE ELECTION OF SOME ADDITIONAL ELDERS.

The Congregation in Pine-street now became fully convinced that it was a duty to exercise their constitutional right of making such an addition to the Session, as would hopefully secure, in future, the rights and privileges of the Church. The motives of the people will best appear from the Records of

THE CONGREGATIONAL MEETING.

Tuesday, December 21st, 1813.

Agreeably to notice given from the Clerk's desk last Sabbath, by order of the Board of Trustees of the Third Presbyterian Church in the city of Philadelphia, the Pew-holders of the Congregation met in the Church this morning.

James Finley was appointed Chairman, and John Duffield Secretary. Solemn prayer was made by James Stuart.

The following Resolutions were then read and laid on the table, and after discussion, were separately agreed to by large majorities; and, on the final question being taken on the whole of the resolutions, one hundred and twenty-three voted in the affirmative, and sixteen in the negative.

1. Resolved, That this Congregation views, with deep regret, the present unhappy situation of their ecclesiastical concerns, and are constrained to believe, that it has originated in the efforts of a few men to prevent the exercise of that right of election which is constitutionally vested in the people; and so far have some of the Elders carried their opposition to the wishes and interest of the Congregation, that the peace of the Church has been destroyed, and that confidence which ought to be placed in Elders, has been so essentially impaired, that the members of the Church cannot, in conscience, hold communion with them under present circumstances, nor join with them in the sealing ordinances of God's house; nor, if in the course of Providence difficulties should arise among brethren, could they, with confidence, submit their cause to their judgment and decision, for the following reasons:

Because, in our opinion, Messrs. William Haslett, John M^cMullin, Robert M^cMullin and Benjamin Wickes, Elders, have not discharged the duty of "*Representatives of the People*," which is the constitutional definition of ruling elders, (see the Constitution and Form of the Government and Discipline of the Presbyterian Church in the United States of America, pages 377, 379, and 396) to the satisfaction of the Congregation.

Because, they have repeatedly refused to call a Congregational Meeting for the election of a Pastor, when they were urgently and yet respectfully intreated by a great portion and even by a great majority, of the legal electors.

Because, they have refused to obey the *advice* and direction of the Presbytery, when required to call a Congregational Meeting for the election of a Pastor.

Because, they have, at all times, opposed the desire of the Congregation to hear the Minister of their choice, and have hitherto prevented his settlement among us.

Because, they have appealed from the decision of Presbytery, which permitted the Congregation to invite the Rev. Ezra Stiles Ely to preach on Sabbath and Wednesday evenings until the next meeting of the Synod.

Because, they have, contrary to the known will of the Congregation, sent a complaint to the Presbytery of New-York, to induce them to recall from the bounds of this Congregation, the said Rev. Ezra Stiles Ely, upon whom the affections of the Congregation are strongly fixed, and whom they wish to have for their Pastor.

And, since the Word of God and the Standards of our Church, (see the Constitution, &c. pages 377, 379 and 396) have constituted Ruling Elders the Representatives of the People, to exercise government in conjunction with Ministers and Pastors; and, since the election of persons to the exercise of this authority in any particular Society, is in that Society; (see Constitution, &c. page 373) THEREFORE,

II. Resolved, That, when it shall satisfactorily appear to any particular Church, that those to whom they have committed the management of their spiritual concerns are incompetent to manage them so as to promote the glory of God and the interest of his people, either from disunion among themselves, or from any other cause; it becomes the duty of a Congregation to request these Representatives to resign their offices; or to proceed to choose out from among themselves, suitable persons to be connected with them in discharging their duty as officers in the Christian Church.

III. Resolved, That the *mode* of electing Elders *most approved* by this Congregation, is by *ballot*; and this shall be the usage of this Congregation, until some other lawful meeting of Electors shall repeal this rule.

IV. Resolved, That it is expedient for this Congregation to proceed immediately to the election of four Ruling Elders, to be added to those already in office.

V. Resolved, That the Congregation now proceed to nominate suitable persons as candidates for additional Ruling Elders.

The following persons were then nominated as additional Ruling Elders, viz. John W. Scott, Doctor William B. Duffield, William Nassau, Jacob Mitchell, General John Steele, and Lewden Sawyer.

The Congregation then proceeded to the election of four additional Ruling Elders, having appointed John Workman and John Hall, tellers. Upon counting the ballots, it appeared that Doctor William B. Duffield had 114 votes; William Nassau had 114 votes; John W. Scott had 112 votes; Jacob Mitchell had 109 votes; General John Steele had 3 votes; and William Bryant had one vote. Whereupon the chairman proclaimed that Doctor William B. Duffield, William Nassau, John W. Scott, and Jacob Mitchell, were duly elected Ruling Elders in the Third Presbyterian Congregation in the city of Philadelphia.

On motion, Resolved, That Messrs. Ferguson M'Elwaine, James Stuart, William Smiley, William Nassau and John Steel, be a committee to procure the ordination and setting apart of the Elders elected as soon as possible.

Adjourned.

True copy from the minutes.

(Signed)

JOHN DUFFIELD, Secretary.

The Committee, who were appointed for the purpose, procured the assistance of the Rev. Mr. Doak, and the Rev. Mr. Dunlap, members of the Presbytery of Philadelphia, who, on the evening of the 26th of December, 1813, duly ordained and installed the persons who had been elected to the Eldership, in the presence of a great assembly.

After its enlargement, the Session regularly convened with a ministerial Moderator; and prepared the following

LETTER TO THE REV. PRESBYTERY OF NEW-YORK.

Reverend, and Beloved in the Lord,
You have received, and we understand have entered on your dock-

et for consideration, a document purporting to be "the Petition of the Session of the Third Presbyterian Church in Philadelphia." Concerning that instrument, we beg leave to represent to your Rev. Judicatory, that the Session of said Church should be subject in the Lord to the Philadelphia Presbytery, which is the only superiour Judicatory which can "enquire into its state, and redress the evils that may have arisen within it." Form of Gov. ch. 9. sec. 5. Any other course of reference would bring the different Presbyteries of our Church into collision, and give one Presbytery the exercise of Synodical authority over another. If the Session of any Church within the bounds of this Presbytery is aggrieved, we conceive such Session ought to seek redress from its own Presbytery and Synod, and not from your Body, to which the Constitution has given no cognizance in such cases. If, therefore, even by a Sessional act you should be petitioned to interfere in the concerns of the Church of which we are members, we should deem the petitioners guilty of insubordination to the Philadelphia Presbytery: and we trust the Rev. Presbytery of New-York, would have too much good sense, to assume the prerogative of a sister Judicatory. Therefore, deeming it unconstitutional, we shall prefer no petition to you, but by this christian epistle we desire to give you such information as may subserve the interests of the Redeemer's kingdom.

1st. We state, that the petition forwarded to you, was neither originated nor adopted by any Sessional act. No such Moderator as is required to be present to constitute a regular Session, was invited. The Elders were then seven in number, and three desired to invite some constitutional moderator, but the four who were determined to petition you, would not consent. Against this decision in the meeting of the Eldership, three Elders laid on the table a written protest, and an appeal to the Philadelphia Presbytery, which the majority refused to enter on the minutes of the meeting. Four of the Elders, however, resolved to petition you, and accordingly caused the paper which you have received, signed by Benjamin Wickes, Robert M'Mullin, John M'Mullin and William Haslett, to be forwarded, without ever reading it to their dissenting colleagues, and without formally adopting it in their presence. So far is it, then, from being a Sessional act, that it was not even read in the assembly of the Elders.

2d. We state, that since the date of the petition in question, the Third Presbyterian Church in Philadelphia have elected four other Elders, who have been regularly ordained, so that the Session of said Church now consists of eleven members and a ministerial moderator, from one of our sister churches. It is this Session which now addresses you.

3d. We state, that the Rev. Ezra Stiles Ely, a member of your Rev. Body, was first invited to preach in our Congregation by Mr. Benjamin Wickes, with the consent of several of the other Elders; and that, from the time of his first appearance among us, until the present day, the conduct of Mr. Ely has, in the opinion of three of the late, and seven of the present Eldership, been constitutional and unexceptionable. He has never preached, without being duly invited; his ministry has been attended with evident success; and the souls of the people, with a very few exceptions, seem to be knit

to him. Indeed, the Congregation, were ardently desirous of electing him for their Pastor, in the latter part of December 1812, and have seen no cause to withdraw their affection and confidence.

4th. We further state, as our opinion, in which we are supported by the general sentiment of the pious people of all denominations in this city, that the Rev. Presbytery of New-York, could not more essentially injure the cause of truth and christian liberty in the city of Philadelphia, than by recalling the Rev. Ezra Stiles Ely, from the scene of his present usefulness; nor could they more seriously affect the Third Presbyterian Church, (already bleeding from wounds caused by the instrumentality of those who should, according to their vocation, use their influence to promote the comfort and spiritual interests of the congregation, rather than pursue measures, which, if successful, according to the best judgment of its pious members, would occasion much sorrow) than by facilitating such success, in thus yielding to the solicitations of the four petitioning Elders.

Finally. We do most solemnly and conscientiously protest against the proceedings, in the present case, of the four Elders before named, as being not only a misrepresentation of the sentiments, opinions, and views of the members constituting the Third Presbyterian Church in Philadelphia; but also as tending to destroy the peace and subvert the spiritual interests of the Congregation; and we are constrained to view, although we are pained at the consideration, such proceedings as an attempt, in a certain degree, to contravene the purpose of the great Head of the Church, who, when he commissioned his Apostles, commanded them to preach his gospel to every creature, as in virtue of this command, the ministers of the Cross continue to proclaim the truth as it is in Jesus, to whatever people, God in his providence calls them. Moreover, we do most fervently hope, and in thus expressing ourselves, we speak the mind of the Church we represent, that the Rev. Presbytery of New-York, will not act upon the proceedings of the four Elders, who have not, in their petition, represented the Church of which they are officers.

Philadelphia, January 17th, 1814.

On the day of its date, the above letter was adopted in Sessional meeting, at which the Rev. George C. Potts presided, and Mr. William Smiley was appointed a Commissioner from the Session to present it.

What became of it, will be seen from the minutes of the Presbytery of New-York, which are communicated in the following

REPORT OF MR. ELY'S TRIAL.]

The following pages contain correct extracts from the minutes of the Presbytery of New York.

MATTHEW LA RUE PERRINE, Stated Clerk.

New-York, April 19, 1814.

NEW-YORK, January 26, 1814.

The Presbytery of New-York met in the Session-room of the Brick Church, according to adjournment.

Present, the Rev. John M'Niece,
 Rev Isaac Lewis, the Moderator,
 Rev. Ezra Stiles Ely,
 Rev. Matthew L. R. Perrine,
 Rev. William Boardman,
 Rev. Gardner Spring. Ministers.

Dr. John R. B. Rodgers, from the First Presbyterian Church in the city of New York,

Mr. John Mills, from the Brick Church, New-York,

Mr. John E. Caldwell, from the Church in Cedar-street, New-York,

Mr. John R. Murray, from the Church in Spring-street, New-York,

Mr. James M'Masters, from the Church in Rutgers-street, New-York,

Mr. Thomas Almond, from the Church in Elizabeth-street, New-York,

Mr. Benjamin Coe, from the Church in Newtown,

Mr. Thomas Baylis, from the Church in Jamaica. Elders.

Absent, Rev. George Faitoute, Dr. Miller, Dr. Romeyn, Rev. Walter King, Rev. William P. Kuypers, Rev. Henry P. Strong, and the Rev. Josiah B. Andrews.

No Elder appeared from the Irish Church, New-York, nor from the Church in Hempstead, nor from the Church in New-Rochelle.

Began with prayer.

Ordered, That the minutes of the last meeting be read.

A Communication from the Session of the Pine-street Church, in Philadelphia, was laid before Presbytery by Mr. William Smiley, and read.

Ordered, That it be put on the docket.

The Rev. Josiah B. Andrews appeared in Presbytery, and took his seat.

The Protests of the Rev. George Faitoute, Rev. John M'Niece, Mr. John E. Caldwell, Mr. Benjamin Coe, and Mr. Thomas Baylis, were read.

On motion, Resolved, That while the Presbytery acknowledge the right of any of its members to protest against any of its decisions, they think that in all cases of protests, respectful and decorous language ought to be observed, and strict attention should be paid to correctness in statement of facts; that in the protests entered on their minutes against their proceedings at their last meeting, is contained language indecent and injurious, and that they are constrained, from a sense of duty, to declare, that the assertion "It appears in evidence before this Presbytery, from documents presented by their committee, and read as part of their report, that Mr. Ely has had in this Judicatory certain personal opponents," is incorrect, unbecoming, and an unwarrantable impeachment of the integrity of this Presbytery; and that the declarations, "No man of public respectability and independence of mind will be disposed to confide his reputation in the hands of a Judicatory, whose proceedings might have a tendency to furnish any ground for the belief, or the ap-

“prehesion, that they would ever act in a partial, resentful, or “overbearing manner, to the prejudice of an individual opponent, “and the injury of the Christian cause,” are alike unbecoming and unwarrantable, and breathe a spirit little tending to the promotion of harmony in our Churches.

The Presbytery are also constrained to notice the unhappy contradiction, which appears on the face of the second Protest, wherein the protestants say, that “The complaint against Mr. Ely was made “in the first instance with a view to deprive him of his seat in Presbytery,” and then in terms alike unequivocal, assert, that “the rumours upon which the Citation to Mr. Ely is founded, were not “brought forward in public until a Call was made to him to settle in “this city by the Congregation in Rutgers-street.”

The Rev. Ezra Stiles Ely, Rev. John M’Niece, John E. Caldwell, Thomas Baylis and Benjamin Coe, gave notice, that they intended to have entered on the minutes of Presbytery, their Protests against the above resolutions.

The Presbytery resolved to proceed to the Trial of Mr. Ely.

The Citation having been read, and Mr. Ely being called upon to answer to the charge thereto subjoined, he answered, that before replying to the question, he wished to be indulged in making a few preliminary enquiries; which request was granted.

The Rev. W. F. Kuypers appeared in Presbytery and took his seat.

Mr. Ely moved, that he be permitted to put the following questions, and receive an answer to them from the Moderator, viz. which was seconded.

“Who first stated to this Presbytery that there were rumours in “circulation touching my veracity?

“In what city did the person say that the fama clamosa existed?

“Did he state in writing, that there was a fama clamosa against “me?

“When did the person first hear this report?

“Did he say that he was influenced by a desire to reclaim me, or “by some regard to the honour of this Judicatory?

“Did he not report that unfavourable rumours existed, that I “might not be permitted to resume my seat in this Presbytery, on “the return of my certificate of recommendation?

“Did the Presbytery receive this information with closed doors?

“Did they proceed to any of the subsequent steps in a private “manner?

“Did any one dissent from the vote to re-admit me to my seat as “a co-presbyter?

“What was the reason which he assigned for his dissent?

“Did he say that he believed the rumour?

“Did he give his reason for dissent in writing?

“Did any one else state, that my veracity was impeached by public clamour?

“In what place was the fama clamosa said to exist?”

The Moderator decided that the motion was out of order; that Mr. Ely would have the opportunity of proposing any questions that may be relevant to the case before the Presbytery: but that, in the present stage of the business, it would not be proper.

Mr. Ely appealed from the decision of the Chair.

The Presbytery supported the decision of the Moderator, by 9 to 7 votes, as follows :

In support of the Moderator—Messrs. Spring, Boardman, Andrews, Perrine, Mills, Rodgers, M'Masters, Almond, and Murray.—9.

In support of the Appeal—Messrs. Faitoute, Kuypers, M'Niece, Baylis, Coe, Caldwell, and Ely.—7.

Ordered, That Mr. Ely's letter to this Presbytery, dated Philadelphia, Dec. 13, 1813, be put on the records of this Presbytery.

Mr. Ely moved that the Presbytery furnish him with the evidence which convinced them that a *fama clamosa* existed against him, as guilty of falsehood, which was seconded.

The Moderator declared the motion to be out of order, in this stage of the business.

Mr. Ely appealed from the Chair.

The Presbytery supported the decision of the Moderator as follows :

In support of the Moderator—Messrs. Spring, Andrews, Perrine, Boardman, Mills, Rodgers, M'Masters, Almond, and Murray—9.

In support of the Appeal—Messrs. Ely, Faitoute, Kuypers, M'Niece, Baylis, Coe, and Caldwell—7.

Mr. Ely objected "to being put on trial, until he was furnished with a *written charge*, distinct from his *Citation to answer to a charge* of some violation of some law of God, said by common fame to have been committed by him."

The objection was over-ruled, and Mr. Ely verbally protested against the said decision of Presbytery as unconstitutional.

Mr. Ely being again asked, "What do you plead?" answered, "Not guilty."

Dr. MILLEDOLER, at the request of Mr. Ely, did, on oath, attest, that an extract from a letter dated Philadelphia, Dec. 23d, 1812, is a correct extract from a genuine letter from Benjamin Wickes to him.

Ordered, That it be put on the file.

Adjourned, to meet in this place to-morrow morning at 9 o'clock.
Concluded with prayer.

New-York, January 27th, 1814.

The Presbytery met according to adjournment. Began with prayer.

Present as before.

Mr. Weir, an Elder from the Church in New-Rochelle, appeared in Presbytery and took his seat, whose reasons for not appearing sooner were sustained.

Mr. Robert Lenox appeared in Presbytery, and took his seat, as the alternate of Dr. John R. B. Rodgers.

Mr. James Graham, an Elder from the Irish Church in New-York, appeared in Presbytery and took his seat.

A certificate from the physician of captain B. Wickes, of Philadelphia, was received by Presbytery and read, certifying that captain Wickes had been sick, and though recovering, was unable to meet Presbytery according to their citation, without endangering his life.

The Presbytery now proceeded to the examination of witnesses in the case of the Rev. Ezra Stiles Ely.

Mr. Murray was appointed to take down the testimony in writing. The Rev. Dr. PHILIP MILLEDOLER, after being qualified, was examined, and testified as follows.

To the question put by the Moderator, Whether the letter of the 13th January, 1813, now read, is a correct copy of the original written by him? Dr. M. answered, Yes.

Question by the Moderator. Did you at that time, and do you now, believe the statement made in that letter to be correct and the truth?
Ans. Undoubtedly.

Ques. by Mr. Spring. Can Dr. Milledoler give the Presbytery any explanation of the apparent contradictions between Mr. Ely's letter of Nov. 16, 1812, to Benjamin Wickes, and his own letter of 13th January, 1813, to the same person?

Ans. On the 4th June, 1813, between the hours of 10 and 12 o'clock, A. M. Mr. Ely called upon me, in company with the Rev. Dr. John B. Romeyn of this city. He (Mr. Ely) informed me, that he had heard, that it was the intention of certain gentlemen in Philadelphia to bring a charge of falsehood against him in a congregational meeting of Pine-street Church, and requested for Dr. Romeyn, a sight of captain Wickes' letters to me, and the copies of my answers to him; on which he had been informed that charge was to be predicated. With this request I readily complied. After hearing the letters, and Mr. Ely's explanations of his conduct, I wrote to the best of my recollection, at their joint request, my letter to Mr. Stuart of 4th June, with a design to exculpate Mr. Ely from that charge; which letter was forwarded by that day's mail to Philadelphia.

Question by Mr. Spring. Has Dr. Milledoler any other explanation to give of the apparent contradictions contained in the aforesaid letter?

Ans. No; excepting they should arise out of some questions hereafter proposed.

Question by Mr. Spring. Had Mr. Ely any warrant from conversation with you, to assert that "you thought from your age and standing in the Church, you could be more useful to the Church at large, were you to be successor to Dr. Green?"

Ans. No, not that I recollect.

Question by Mr. Spring. Had Dr. Milledoler ever any conversation with Mr. Ely respecting his age and standing in the Church?

Ans. Not that I recollect.

Question by Mr. Spring. Has Dr. Milledoler ever had any conversation with Mr. Ely as to his (Dr. Milledoler's) being successor to Dr. Green?

Ans. Not that I recollect.

Ques. by Mr. Spring. Had Mr. Ely any warrant for this general assertion, and is it true,—"Now I can tell you his heart, he would wish to be removed himself to Arch-street and to have me removed to Pine-street?"

Ans. I consider that assertion as unwarrantable.

Ques. by Mr. Spring. Has Dr. Milledoler ever said to Mr. Ely "That he (Dr. Milledoler) would wish to be removed himself to Arch-street, and to have Mr. Ely removed to Pine-street," as an unequivocal expression of his feelings on the subject of his removal.

Ans. I do not recollect now to have said any thing to him to warrant him in making the assertion.

Ques. by Mr. Spring. Had Mr. Ely the honor of Dr. Milledoler's confidence upon the subject of his (Dr. M's.) removal to Philadelphia?

Ans. I have no recollection of having said any thing to him upon the subject of my removal to either Arch-street or Pine-street Churches.

Ques. by Mr. Spring. In addition to the statement which you may have made to Mr. Ely, that considering your present situation you knew not where the providence of God might call you, did you ever express to Mr. Ely a desire of going to Philadelphia?

Ans. Not that I remember.

Ques. by Mr. Spring. Had you and Mr. Ely so much conversation upon this subject, as to warrant him to say "He often says, if I go to Philadelphia I should wish you to go too?"

Ans. I cannot positively say that I expressed myself in that manner. I may, however, have done it more than once.

By request of Presbytery, Dr. Milledoler read an extract of a letter from capt. B. Wickes, dated January 8, 1813, to him, which is as follows.

"Since then, we have had several to preach for us that has pleased some of the Congregation, but none that are likely to unite us. Among these Mr. Ely has borne a conspicuous part, and has been the occasion of much disorder among the people, so that the Session has been obliged to have a meeting and receive a disorderly memorial signed by about 30 in behalf of Mr. Ely, desiring that he might be directly called. The Session did not think it prudent, to be so precipitate in so weighty a business, therefore put it off until enquiry can be made of Mr. Ely's fitness for such a charge. This business took place last week, and as I had read a letter from New-York, dated 16th November, which contained these words, Dr. Milledoler is dissatisfied or unpleasantly situated where he is; and wishes to be removed to Arch-street as successor to Dr. Green."

Ques. By Mr. Perrine. Did Dr. Milledoler design in saying "it is my particular and earnest request that you will counteract the impression it is calculated to produce, by an immediate counter statement;" that a statement should be made directly contrary to the leading features of the letter he refers to?

Ans. I meant exactly what is stated in the former part of the letter.

Ques. by Mr. Perrine. Did Dr. Milledoler, in saying "Mr. Ely declared it to be incorrect, and that his letter to you contained no such words," design to convey the idea, that Mr. Ely denied the general truth of the quotation, or its correctness as to words?

Ans. I consider him as denying the correctness of the quotation.

Ques. by the Moderator. In writing the sentence to Mr. Wickes, did you intend to convey to him a general denial of the fact stated by Mr. Ely, or merely a denial of its being a correct quotation?

Ans. I consider Mr. Ely as stating that the quotation was an incorrect one; whether he meant in words or in subject matter, I cannot tell.

Ques. by Mr. M'Niece. Can Dr. Milledoler say that on account of the friendship and intimacy between himself and Mr. Ely, that Mr. Ely might not take a righteous liberty in speaking with respect to things that might tend to the benefit of Dr. Milledoler?

Ans. I will be thankful to any body that will do me good.

Ques. by Mr. M'Niece. Does Dr. Milledoler say that in the communication between Mr. Ely and Mr. Wickes, that any thing was intended, only for the friendly benefit of Dr. Milledoler?

Ans. I believe that Mr. Ely had no intention to injure me in it, though it might have had that effect.

Ques. by Mr. M'Niece. Does Dr. Milledoler say, that from all he has known in this case of Mr. Ely, that there was any design or intention in him to be guilty of fabricating a falsehood to the injury of the Church, or to any individual member thereof?

Ans. It is impossible for me to know the intentions of another in any act of his; but from my judgment of his general conduct, I am disposed to consider Mr. Ely as incapable of a wilful misrepresentation of facts.

Ques. by Mr. Caldwell. Had Dr. Milledoler such confidence in Mr. Ely, as occasionally to make friendly communications to him relative to the state of the Christian Churches in the United States, and sometimes as freely to communicate his views of the situation of things in those Churches in the United States; and does he think that he distinctly recollects all he may have communicated on that subject?

Ans. I did occasionally make to him such communications; but it cannot be expected that I should recollect all the communications I might have made on that subject.

Ques. by Mr. M'Niece. Does Dr. Milledoler say that he and Mr. Ely have had any conversation upon the subject of Hopkinsian doctrines?

Ans. Yes.

Ques. by Mr. M'Niece. Does Dr. Milledoler say, that from such conversations there might have been an impression on the mind of Mr. Ely, that Dr. Milledoler was unpleasantly situated in New-York?

Ans. He knew I was uncomfortably situated.

Ques. by the Moderator. Did you ever tell Mr. Ely that you was unpleasantly situated in New-York on account of Hopkinsian doctrines?

Ans. I do not recollect to have made use of those words; but from our conversations he had an undoubted right to draw that conclusion.

Ques. by Mr. Andrews. Whether his uncomfortable situation, on account of Hopkinsianism, arose from any thing among the people of his charge?

Ans. No further than what arose from an apprehension of the spread of those principles amongst them.

Ques. by Mr. Caldwell. Did not Dr. Milledoler consider that the words quoted by Mr. Wickes in his letter of January 13, 1813, conveyed a different meaning in relation to the place where, and the reason why, Dr. Milledoler was unpleasantly situated on account of Hopkinsianism, from that contained in the letter of Mr. Ely of 16th November 1812, on that subject?

Mrs. I do not recollect my impression at that time, but I conceive there is a difference in the two statements.

The above testimony being read to Dr. Milledoler, was approved by him.

Cross-examination.

Witness questioned by Mr. Ely.

Question. Did you not consider your reputation and peace unsafe in this Presbytery, on account of your opinion of the prevalence of Hopkinsianism in it?

Answer. I did consider myself as unsafe; and it was one of the leading motives which induced me to leave my former charge, and to enter into another connection.

Question. Did any person, once a member of Arch-street Church in Philadelphia, and now a resident of this city, converse with you in relation to that vacancy?

Answer. No.

Question. Did you ever tell me, you had conversation with any person upon the subject of the vacancy in Arch-street Church, Philadelphia?

Answer. A very respectable character of this city, did converse with me on that subject. Whether I related that conversation to Mr. Ely, or not, I cannot say. I have probably stated that to him.

Question. Did we not usually meet twice a week at your house, for the study of the Hebrew Language, about the time the first two letters mentioned in the Citation, were written?

Answer. Yes.

Question. In my letter to Capt. Wickes, of 16th November, 1812, did I misrepresent the feelings of your heart, in what is therein stated respecting my opinion that a Call from Arch-street Church in Philadelphia, would have been acceptable to you?

Answer. That although I never authorized Mr. Ely, nor any other person to make such an assertion, yet if I must declare the state of my mind, upon that subject, I did think it a very desirable situation for any man; and if it had not pleased God in his providence, to fix me in this city, I should have considered myself highly honoured by a Call from Arch-street Church. And do not know but that I should have accepted it.

Question. Has crying Fame, so far as you know, ever represented me to have been guilty of a criminal Falsehood?

Answer. No. But I have heard that there were letters from Philadelphia, circulated amongst the people belonging to the Church in Rutgers-street, calculated to prejudice them against Mr. Ely, in regard to his veracity; whether originals or copies, I do not know.

Question by Mr. Spring. Does Dr. Milledoler consider his answer to the previous question, to have any relation except to the city of New-York?

Answer. No. I considered it as referring to the city of New-York.

Question by Mr. M^r Masters. At what time were these letters said to be circulated?

Answer. I cannot give day and date, but it was about the time of the Congregational meeting, to choose Mr. Ely as their Pastor.

Question by Mr. Ely. Did you ever learn from any one but myself, that certain gentlemen in Philadelphia contemplated an impeachment of my veracity in a Congregational meeting in Philadelphia?

Answer. I am not certain that I did; but I have an indistinct recollection, that previous to Mr. Ely's stating it to me, I heard of it from some other person. Who it was, or where related, I cannot tell.

Question. Do you know that crying Fame in Philadelphia, ever accused me of Lying?

Answer. No.

Adjourned to meet to-morrow morning at 10 o'clock.

Concluded with prayer.

New-York, January 28, 1814.

Presbytery met according to adjournment.

Opened with prayer.

Present as before.

The minutes of the last Session of Presbytery was read.

The testimony of Dr. Milledoler, as taken down in writing, was read to him for his approbation.

Dr. Milledoler wished to introduce, as a part of his testimony, a paper, in which was contained an opinion of Dr. Romeyn.

The Moderator decided, that the part of the paper containing the opinion of Dr. Romeyn, could not be admitted, on the principle, that the opinion of no man whatever, not even of the witness himself, could be admitted in evidence.

From this decision Mr. Caldwell appealed.*

Presbytery supported the decision of the Moderator as follows:

In support of the Moderator—Messrs. Perrine, Spring, Boardman, Andrews, Lenox, Mills, Murray, M'Masters, and Almond. 9.

In support of the Appeal—Messrs. Fautoute, Kuypers, M'Niece, Caldwell, Coe, Baylis and Graham. 7.

Resolved, unanimously, that Dr. Milledoler be allowed to give an explanation of his testimony, in such language as he may deem necessary, to a full and complete statement of the truth, in the case about which he is testifying. Which was done by Dr. Milledoler in the following words, viz.

“ Dr. Romeyn gave it as his decided judgment of the whole case, “ that the charge of wilful misrepresentation on the part of Mr. Ely, “ ought not, in Christian charity, to be made, nor could of right be “ supported from those letters. This judgment comports with “ my own.”

* The matter of controversy in this case was not, whether the opinion of the witness, or any other person, was to be admitted as evidence of any fact contained in the testimony; but, whether a part of the testimony which the witness considered essential to the completion of the whole truth, should be rejected on account of its containing the expression of an opinion concerning the subject. It was Mr. Caldwell who made the next motion, and then obtained what the Presbytery just before denied him; by the same kind of consistency which voted that Mr. Ely might put preliminary questions, and then that he should not.

The Presbytery then proceeded to the examination of Mr. JOHN STEEL, who, after being qualified, was examined and testified as follows :

Question by the Moderator. Was the letter from Mr. Ely, of the 16th of November, 1812, to Capt. Benjamin Wickes, read in the Presbytery of Philadelphia, and admitted as testimony?

Answer. It was admitted to be genuine.

Question by the Moderator. Was the letter from Dr. Milledoler, of 13th January, 1813, to Capt. Wickes, read in the Presbytery of Philadelphia, and admitted as testimony.

Answer. It was admitted to be genuine.

Question by the Moderator. Did Mr. Ely ever request you to procure from Capt. Wickes, his original letter above alluded to?

Answer. I do not recollect that he did.

Question by the Moderator.—Did Mr. Ely ever express to you a wish to obtain the said original letter from Capt. Wickes?

Answer. No.

Question by the Moderator. Did Mr. Ely ever request, that you would obtain a copy of said letter for him?

Answer. Not that I recollect.

Question by the Moderator. Did you ever procure a copy of said letter?

Answer. No.

Witness cross-examined by Mr. Ely.

Question. What office do you hold in the city government of Philadelphia?

Ans. A member of the Common Council.

Ques. Are you commonly on the Exchange in Philadelphia?

Ans. I am often there, but do not spend much time there. I am not there daily. I am generally acquainted with those who frequent it.

Ques. Do you know that Common Fame has ever represented me in Philadelphia, to have told a criminal Falsehood?

Ans. No, I do not. I never heard but one person state it.

Ques. Was that person immediately contradicted by many?

Ans. Yes.

Ques. Did you ever hear Dr. Milledoler say any thing of the probability of his removal from Rutgers-street Church.

Ans. Yes.

Question by the Moderator.—When?

Ans. In August 1812.

Question by Mr. Ely. Did you infer from your conversation with him, that an unsolicited Call from Arch-street Church, Philadelphia, would be agreeable to him?

Ans. In a conversation with Dr. Milledoler, in August 1812, I understood that he might possibly have to leave Rutgers-street, not on account of his people, for with them he was very happy, but in consequence of disputes in the Presbytery about Hopkinsianism. I then supposed he would accept a Call from Pine-street, if it was unanimous; as he informed me, that he loved us better than any other people. I went home and informed our people of this conversation, and we took measures to bring this matter to a crisis. We found that three of our Elders were opposed to calling Dr. Milledoler, and per-

haps a fourth. Before the matter was urged too far, Dr. Milledoler was written to, that the people were as much attached to him as ever, but a few of the members of Session were opposed, at that time, to make a Call. Dr. Milledoler returned an answer immediately, requesting that we should not think any more about him as our minister. About two weeks afterwards, on a visit to New-York, Dr. Milledoler asked me how far the opposition to him extended in our Church? Stating that he had heard, by some person who had been at Princeton, of two members of the Session that were opposed to him, and named the persons. I told him that was nearly the extent of the opposition, and lamented that he would not come with that small opposition, when it was not probable they would be so unanimous in any other. Some time in the course of the evening, in a jocular conversation with his children, I asked two of them to go with me to Philadelphia. One replied, "I wish we could all go." I told Dr. Milledoler that some of our people were apprehensive Arch-street Church might call him first. I replied, that could not be, as they did not want a successor to Dr. Green, but a Junior Pastor to Mr. Janeway. We were still very cheerful; the Dr. asked me, if he should receive a Call from Arch-street and accept of it, did I believe our people would be offended at it, or think hard of it? I told him, we never could think of giving him up with a good grace. He stated there was no great probability of such an event.

Ques. Did you not write to me, that the same Elders who opposed Dr. M. opposed me, and intended, some of them, to bring a charge of falsehood against me in a Congregational meeting?

Ans. Yes.

Ques. Did you receive an answer from me to any of your letters touching that subject?

Ans. I did, by return by mail.

Ques. What is the date of that letter?

Ans. January 19, 1813.

Ques. Will you hand me that letter before Presbytery?

Ans. Yes. (And it was presented to Mr. Ely accordingly.)

Ques. Did a clergyman in Philadelphia offer to show you a letter, which, he said, was from a clergyman in New-York, which would convince you I was an unsuitable person to become the Pastor of Pine-street Church?

Ans. Yes.

Ques. Did you refuse to hear that letter, and why?

Ans. Because it was to be shown in confidence.

Ques. What is the common fame in Philadelphia about those who have industriously circulated my letter to captain Wickes, and Dr. Milledoler's letters to him?

Ans. With very few exceptions, it is said to be an act of cruelty. Indeed, I have heard an hundred people say so. I have heard, I think, three persons justify the shewing of the letters.

Ques. Is this crying fame concerning those letters in Philadelphia, so far as you know of any common fame's existing, in my favour or against me?

Ans. Almost all the pious people of my acquaintance, of different denominations, have declared that they do not believe Mr. Ely capable of falsehood. Some people, not acquainted with Mr. Ely, have said they were prejudiced against him.

The foregoing testimony was read and approved by Mr. John Steel. Mr. JAMES STUART, after being qualified, was examined, and testified as follows.

Question by the Moderator. Was you in the Presbytery of Philadelphia, when the letter from Mr. Ely, dated 16th Nov. 1812, to captain Wickes, was read?

Ans. I cannot recollect.

Ques. by the Moderator. Were you present when the aforesaid letter was authenticated in the Presbytery of Philadelphia?

Ans. I cannot recollect.

Ques. by Mr. Perrine. Did you receive a letter from Mr. Ely, requesting you to call on captain Wickes, to obtain from captain Wickes the letter of Mr. Ely, dated Nov. 16, 1812?

Ans. Yes.

Ques. by Mr. Perrine. At what time did you receive the letter from Mr. Ely?

Ans. Either in December 1812, or in January 1813.

Ques. by Mr. Perrine. At what time did you call?

Ans. The very morning I received Mr. Ely's letter.

Ques. by Mr. Perrine. Did you request the original, or the copy?

Ans. I asked of him the original for Mr. Ely, he keeping a copy, or for me to keep a copy; and if he would not give up the original, that he would permit a certified copy to be taken, that it might be shewn to Dr. Milledoler.

Ques. by Mr. Perrine. Did captain Wickes call on you about this time, and propose to you to mention Dr. Milledoler to the Session of Pine-street Church, as a proper person to be pastor of that Church?

Ans. About that time he did call, and expressed a wish that we had turned our views to Dr. Milledoler, knowing at the same time that Dr. M. would not accept a Call from that Church, as I had read a letter to that effect to the members of the Session from Dr. Milledoler.

Ques. by Mr. Perrine. Did not captain Wickes, however, state to you certain reasons why he believed it probable Dr. Milledoler would accept of such a Call?

Ans. I do not recollect.

Ques. by Mr. Perrine. Did not captain Wickes at this time show you the letter from Mr. Ely dated 16th Nov. 1812, and suggest it as a reason why Dr. M. might be obtained?

Ans. He shewed me a letter from Mr. Ely about that time, but did not urge it as a reason why Dr. M. might be obtained, that I recollect.

Ques. by Mr. Perrine. Did captain Wickes shew you that letter as a confidential letter?

Ans. Yes.

Ques. by Mr. Perrine. Did captain Wickes about this time show the letter to the Session, as a reason why Dr. Milledoler might be obtained?

Ans. It was shewn for the purpose of making an unfavourable impression upon the minds of Session, with respect to Mr. Ely.

Ques. by Mr. Perrine. Did captain Wickes show the letter to the Session as a confidential letter to him?

Ans. Yes, and apologized for shewing it.

Ques. by Mr. Spring. Will Mr. Stuart produce the letter which Mr. Ely wrote to him, requesting him to obtain from captain Wickes his (Mr. Ely's) letter of 16th Nov. 1812?

Ans. With the permission of the writer.

Ques. by the Moderator to Mr. Ely. Will Mr. Ely consent that the letter be produced?

Ans. If the Presbytery will order the whole of it to be recorded in their minutes?

(Condition was complied with.)

The letter was read, and is as follows:

“ *New York, 13th Jan. .A. D. 1813.*

“ My Dear Mr. Stuart,

“ When I wrote yesterday, I did not expect so soon to trouble you with another letter; but Dr. Milledoler has read me some extracts of a letter from captain Wickes, from which it appears that he has read my letter to him to your Session. I have his written acknowledgment before me, that he considered that letter *confidential*. It was communicated to him in confidence, but he has, it seems, violated that confidence. In addition, he has misrepresented that letter in a long letter to Dr. M. which Dr. M. says seems calculated to make him inimical to me. If they choose to investigate my character in Philadelphia, I have no objection, but I could wish that no one may be able, by insidious arts, to create divisions among intimate friends in this city. Did captain W. read every word of my letter to the Session? If he did not, he did me double injustice. Now my request is, that you, brother Stuart, would in my name request that letter of captain W. and send it to me; for I insist upon it, as a matter of justice, that Dr. Milledoler shall read every word of the original letter. If captain W. pleases, he may keep a copy, and you may keep a copy; but if captain W. will not give into your hands the letter to forward to me, I request that you would carefully copy every letter and mark, and send me your copy. If the captain did not read the whole to the Session, I wish you would do it; and if you please, let all my letters, to any, and all of you, be read. Dr. M. has written to captain W. and let the whole of that letter be read. If it is not read, I can procure a copy of it. Now what *was* a secret was this, that I thought captain W. a friend to Dr. M. and wrote my own views, concerning Dr. M.'s situation and feelings. If captain W. had not betrayed the confidence, no harm would have been done, for the letter contains nothing which one friend might not write to another. I could not have written disrespectfully of the Dr. for I never thought disrespectfully of him. Did the captain read my letter, for the reason assigned to Dr. M. that if Dr. M. went from his present charge he might go to Pine-street? Each time, before going to Philadelphia, I consulted Dr. M. and told him, that if he had any thoughts of going to Pine-street, I would not even visit the Church, however requested, lest some division should arise. I have told him since, more than once, that if he would be considered a candidate, I would not. Indeed I do not fear that my coin will suffer by a little rubbing, but I could wish, if that will restore you to peace among yourselves, that you would, all of you, think nothing more of my becoming your Pastor.

N

" God is my refuge; and he has made decent provision for me, while I am a single man, in this city.

" It might be well for you to request of Dr. M. a copy of captain W.'s letter to him, that you may judge whether he has given a fair account of my letter. He discourses long, indeed, against my character, but he has not yet succeeded in dividing Dr. M. from me. If he does ever succeed, it will not be by fair means. My dear Sir, let my friends, Steel, Smiley, Mr. Cox, Father M'Elwaine, and even my enemies, if you think proper, read this letter. Perhaps I shall be obliged, by and by, to publish a volume of correspondence. My respects to your wife and family. May the Lord prosper the cause of truth.

" EZRA STILES ELY,
" At 91, Wm. street."

" Mr. James Stuart.

" P. S. The captain writes to Dr. M. that some of your people, through my default, have addressed a very disorderly request to your Session, or your Trustees. Pray, what unknown disorders have I been working? I must have been asleep, or the captain dreams."

The original of the above letter, the stated clerk was directed to return to Mr. Stuart.

Witness cross examined by Mr. Ely.

Ques. What does common fame in Philadelphia, so far as you know any thing of it, say of Mr. Ely's veracity?

Ans. The prevalent opinion, so far as I can understand it, is, that Mr. Ely is a man of truth.

Ques. Do you keep a store frequented by a great many people?

Ans. Yes.

Ques. Are you generally acquainted throughout the city of Philadelphia?

Ans. I have a general acquaintance in the city of Philadelphia, but more especially in the lower part of the city.

Ques. Did common fame, so far as you know, ever repute me to have been guilty of falsehood?

Ans. No.

Ques. What is the common fame in Philadelphia, about those who have industriously circulated my letter to captain Wickes, and Dr. Milledoler's letter to him?

(Mr. Spring objected to this question being put to the witness; and the objection being over-ruled by Presbytery, Mr. Spring requested leave to enter his dissent upon the minutes.)

Ans. Common fame, as far as I know, is very much against them; it has been viewed as a very unchristian procedure.

Ques. by Mr. Caldwell. Are you an Elder in Pine-street Church, and how long have you been an Elder?

Ans. I have been an Elder 8 or 10 years.

Ques. by Mr. Caldwell. How long have you lived in Philadelphia?

Ans. Since 1796.

Ques. by Mr. Lenox. Is there not unhappily a difference of opinion existing among the members of the Session of the Pine-street Church?

Ans. Yes, there is.

Ques. by the Moderator. Does that difference of opinion extend to, and affect the congregation?

Ans. Yes; the difference in the Session affected the congregation in the ratio of 140 to 29 or 30 Pewholders. And in a subsequent application to Presbytery for the Call of Mr. Ely, there were 207 Pewholders in his favour, without any opposition excepting 4 members of the Session.

Ques. by Mr. Ely. Did not the difference which exists in the Session, commence before Mr. Ely ever preached for you?

Ans. There was a difference of opinion in the Elders with respect to promoting a Call to Dr. Milledoler, previous to Mr. Ely's first preaching in Philadelphia?

Ques. by Mr. Ely. How many male communicating members of the Church, not of the Session, have opposed my election as Pastor?

Ans. Only two, to the best of my recollection, one of which I considered doubtful.

Ques. by Mr. Ely. What proportion of the whole Congregation desire me for their pastor?

Ans. I think as a body of worshipping people, seven-eighths of our members are very solicitous of having Mr. Ely for their pastor.

Ques. Does not the main contest in Pine-street Church respect the people's right of electing a Pastor?

Ans. It is the cause of division at present; avowedly so.

Mr. Stuart's testimony being finished, was read to him, to which he gave his approbation.

By request of Mr. Ely, the following certificate was read:

"A petition from 208 Pewholders in the Third Presbyterian Church was presented to Presbytery at their meeting on the 16th Nov. 1813, requesting that Presbytery would take measures in order to have what they would consider a Constitutional Call taken for the Rev. Ezra Stiles Ely as Pastor, by the Congregation of said church.

" Attest,

" THOMAS H. SKINNER, Stated Clerk."

Adjourned to meet to-morrow morning at ten o'clock.

Concluded with prayer.

New-York, Jan. 29, 1814.

The Presbytery met according to adjournment.

Began with prayer.

Present as before.

The minutes of the last meeting of Presbytery were read.

On Motion, Resolved, Unanimously, That all further proceedings in the case of the Rev. EZRA STILES ELY, be arrested, and that he be, and hereby is, fairly, fully, and honourably acquitted of the charge brought against him.

Ordered, That Mr. Ely be furnished with a copy of the above resolution, certified by the Moderator and Clerk.

On motion, Resolved, That the petition of the Session of Pine-street Church, Philadelphia, dated Dec. 13, 1813, and the petition of said Session, dated Jan. 17, 1814, be respectfully returned to said Session with a statement, that this Presbytery do not consider it proper, at the present time, to pass a decision upon the subjects therein contained.

On Motion of Mr. Ely, Resolved, That the Congregation worshipping in Rutgers-street, have leave to withdraw their Call, because, under existing circumstances, he could not think of accepting it.]

PROTEST.

We, the undersigned, Ministers and Elders, Protest against the Resolution of Presbytery, which censures our Protest against their proceedings at the last meeting, because we consider this act of Presbytery to be wrong in principle, and the assertions contained in the Resolution to be incorrect.

I. The principle on which this Resolution proceeds, is inadmissible.

It is an assumption of power, unauthorised, unjust, and leading to absurdity.

1. No authority in support of the measure was quoted on this occasion by the majority, nor was it pretended that any such existed, either in the Constitution or established practice of our Church, or those of any other branch of the Presbyterian Church; nor do we believe that a single precedent can be found on record, in any well regulated ecclesiastical body, for the exercise of such a power.

2. When there exists a difference of opinion respecting a question in debate, before a Judicatory, the sentiments of the majority is expressive by the result of the votes, which appears on record as the act of the body. Cases may occur in which the minority may consider it important to have their dissent, with the reasons for it, recorded. This privilege is wisely secured to the minority in our ecclesiastical laws.

In exercising it, the minority virtually appeal as a party, from the decision of the majority as another party in the controversy; and the matter can only be brought to issue before a higher Judicatory as a proper umpire.

To bring the subject in dispute between them before the same Judicatory, is virtually nothing more than to arraign the minority to the bar of the majority, making these latter Judges in a case in which they are legally made a party.

To allow this party, as Judges, to pass condemnatory sentence, and inflict censure on the other party, for what they may have thought proper freely to express as their opinion, in the exercise of a constitutional privilege, is manifestly unjust, oppressive, derogatory to the dignity of ecclesiastical government, and might lead to endless altercation and recrimination.

3. The absurdity of such a practice is evident from the consequences that would follow, by each party's persisting in the same course of censure upon protest, and protest upon censure, without end.

II. We protest against this Resolution, because *its assertions are not correct*. In affirming that the language of the Protest, to which the Resolution refers, was "indecent and injurious," this Resolution itself makes an incorrect statement; for the language of the Protest is in our opinion such, as the unbecoming course of conduct which it opposed, demanded.

Such general and unsupported assertions, however, might have been resorted to by the majority with less danger to their reputation for discernment, than a specification of particulars.

In each of the three instances specified, the assertions contained in the Resolution can be readily proved to be unfounded.

1. The protestants are charged with making an incorrect assertion, in saying that "it appears in evidence before Presbytery from documents presented by their committee, that Mr. Ely has had in this Judicatory certain personal opponents." In reply to this charge we might be content with denying its correctness, but we do more.

We refer, for proof of the fact asserted, to the letters of Dr. Romeyn, Dr. Milledoler, Dr. Mathews, and Mr. Caldwell, which are placed on the minutes of Presbytery, and the explanations which have been made in open court, since that Resolution was passed, abundantly shew that we did not err in making the assertion, and afterwards in maintaining the correctness of that assertion, which the Resolution condemns.

2. If such opponents did exist, and Mr. Ely was subjected to a painful process upon a charge which admitted of an easy and honorable explanation, the censure passed upon the second quotation of the former Protest is evidently unfounded. The history of the prosecution against Mr. Ely, compared with its termination in an honorable acquittal, and Dr. Milledoler's declaration on oath, that while in connection with this Judicatory he did not consider himself safe as to his reputation, or his peace, among them; have now put it beyond a doubt, that the suggestion of the former Protest was not without foundation, and that it is utterly unavailing to deny it by any Resolution of Presbytery.

3. The third article introduced into the condemnatory Resolution, at a subsequent period, and as it were upon a re-consideration of the subject, discovers the want of discrimination under which its authors unhappily labored.

That the first mention of the charge against Mr. Ely, was made upon the floor of Presbytery as a reason for not re-admitting him to his seat, was confessed in open court; and it is too notorious to require proof, that the Church in Rutgers-street had made out a Call for Mr. Ely before the report about his veracity was made the ground for a charge against him. It therefore appears that both assertions of the protestants were correct, and we have yet to learn in what respect there exists the least shadow of a contradiction between them.

There is certainly no inconsistency in having two distinct motives for the same action.

Any of Mr. Ely's opponents might, without contradiction, wish, that he were neither a member of the Presbytery, nor pastor of a Church in this city.

In concluding this Protest, we feel it our duty to declare, that we have been influenced by a love of truth and justice, by a desire to maintain unimpaired our rights and liberties as members of this Judicatory, by an anxiety to preserve the salutary order of the Presbyterian Church, and by a sincere regard to the honor of this body. We have cautiously avoided impeaching the integrity either of the whole, or of any one member. We can disapprove of actions, and even of motives which others of equal integrity may possibly approve; but we must act for ourselves, in the fear of God, according

to our own views of duty; and we trust that even in this Judicatory our labour has not been in vain.

New-York, February 5th, 1814.

(Signed)

JOHN M'NIECE, V. D. M.
 GEORGE FAITOUTE, V. D. M.
 JOHN E. CALDWELL, }
 BENJAMIN COE, } Elders.
 THOMAS BAYLIS, }

The foregoing Pages contain extracts from the minutes of the Presbytery of New-York.

New-York, April, 19, 1814.

MATTHEW L. R. PERRINE, Std. Clk.

PROTEST.

Against two Resolutions of the Presbytery of New-York, which were adopted at their Session in January 1814, and which prevented the Rev. Ezra Stiles Ely from obtaining information concerning the process against him, to which he was entitled.

We, the subscribers, ministers and elders of the Presbytery of New-York, having given timely notice that we should enter on the minutes of the Presbytery a Protest against that decision of Presbytery which refused Mr. Ely a sight of that testimony which convinced the Judicatory that a *fama clamosa* existed against him, which reputed him to have been guilty of a falsehood; and against a subsequent decision, which prevented him from proposing sundry important questions, which were calculated to elicit the history of the process in his case; DO HERERY SOLEMNLY PROTEST AGAINST THE SAME; and assign in vindication of our own conduct, and in hope of preventing similar illegal proceedings in future, the following

REASONS.

1. No information should be withheld from an accused person, which might be essential to his justification. This reason ought to have great weight in the present case, for the Presbytery was professedly carrying on a prosecution against Mr. Ely for the honor of religion; and the honour of the Presbytery, as a Judicatory of Christ, required, that Mr. Ely should have every facility, which could lawfully be afforded him, of exonerating himself from the charge of falsehood: If an individual wished to hide himself from the person whom he accused, he might desire the Judicatory to withhold information for his own sake; but if *common fame* was the *plantiff*, Mr. Ely the *defendant*, and the members of Presbytery *his judges*, we cannot conceive why he should not have learned from the Ecclesiastical Court the whole history of their proceedings.

2. Since the Citation to Mr. Ely is predicated upon *common fame*, it was incumbent on the Presbytery to judge from sufficient evidence that *common fame* did actually repute him to have been guilty of a falsehood. When any Informer stated in Presbytery that there was a *common fame* about some crime which implicated a character, the Judicatory should have put the Informer to the necessity of proving,

before the Court, in the presence of the person most immediately concerned, that such a common fame, as he said existed, did actually exist. If this is not done, any malignant person may assert, without any apprehension of punishment, that common fame proclaims his brother to be a scandalous offender; and in this manner vexatious prosecutions without number may be instigated by malevolence. The Informer is free from censure when he proves all which he asserts, viz: That *common fame* reputes the person named to be guilty of a certain crime. If he shall not prove the existence of a *fama clamosa*, he must be censured for making a private rumour more public; and no process should commence against the accused. After the Presbytery has ascertained, from testimony taken and recorded, in a constitutional manner, that there is a common fame in the case, the Presbytery should inquire, by the examination of witnesses, and by the investigation of authentic papers, if any can be produced, into the rise, occasion, broachers, and probability of the *fama*. It may appear, that a common fame has originated in malice, in a conspiracy to prevent the prosperity of an obnoxious person, or in something said jocosely or ironically. Before it is ascertained that a report is probably true, no Presbytery should commence a criminal prosecution upon the ground of common fame. Their own honor, as well as the reputation of a brother, and the glory of the Redeemer's cause, should prevent it. If, indeed, any Judicatory commences a prosecution on the pretence of a *fama clamosa*, which is not supported, the whole Judicatory, as such, is liable to be censured for slander by the next superior Judicatory.

We think, from this view of ecclesiastical process, that the Presbytery of New-York was bound to shew Mr. Ely, when he demanded it, the evidence which occasioned a prosecution in the name of COMMON FAME; that he might impeach common fame, and thus take away all the assigned ground for prosecution. If the Presbytery had no evidence that a common fame existed against the accused, they should have nobly confessed to him their error in proceeding to send him a Citation to answer to a charge, without it.

We judge that Mr. Ely was in order, when he demanded this evidence, before he put himself on trial: and we think his proposal to the Presbytery to *quash* their irregular proceedings in this stage of the business, that they might, with his assistance, commence a process against him, in a constitutional manner, was highly creditable to him as a man and a Christian minister. He proposed, that the past, for the honor of the Presbytery, should be obliterated, and that some one should immediately give information of a *fama clamosa*, and prove the *fama* to exist. When this was done, he required the Presbytery to inquire into the probable truth of the said *fama*; and promised, that if they should then think proper to make out any charge against him, he would plead to it in five minutes. This would have given the Presbytery an honourable opportunity of desisting from the prosecution in any of the preliminary steps, and would have saved them the disgrace of failing in their ultimate effort. Any other course of proceeding we deem not "open, fair and impartial."

3. The testimony which convinced the Presbytery that a *fama clamosa* existed against Mr. Ely, was as much a matter of record, as any other testimony in the whole process; and Mr. Ely, as a member of Presbytery, had a right to see that of which every member may

demand a copy. If the Presbytery had neither record nor testimony on this part of the process, it was their own fault, and should have induced them either to desist from the prosecution, or to commence a new suit.

4. We conceive that the accused had a right to propose questions which should yield him all suitable information, and make all the persons concerned, liable for the part which they respectively acted. He had a right, as an accused person, to know who had informed against him, that he might prove him to have been malignant, if he had evidence to that effect, or that he might deal with him as a brother for taking up lightly a slanderous rumour.

The accused had also a right to learn from his judges, *who* were Informers against him, that he might use them as witnesses in his defence; or that he might object to their sitting in judgment on his case, when their reputation was pledged to convict him.

The accused had a right too, of ascertaining the constitutionality or unconstitutionality of the proceedings of the Presbytery; for if they appointed a committee of Investigation, without citing him to appear before said committee at the examination of witnesses, they did him an injury: and if they entered on the investigation, not in a secret but a public manner, they were chargeable with a wilful propagation of slanderous rumours against a brother in the gospel ministry.

5. The questions of Mr. Ely were calculated to ascertain in what city the *fama clamosa* was said to exist; and information on this subject was essential to his defence; for if he could prove, as he did, that public report had never accounted him guilty of falsehood, the sole foundation of the prosecution would have been annihilated at once.

6. We think the questions of Mr. Ely should have been answered, because every Judicatory, and every member of it, should be willing, especially in a criminal prosecution, to take upon itself, or upon themselves, the responsibility of their own public actions. Neither an individual, nor the Presbytery, was obliged to accuse Mr. Ely; and if any body of men, or any individual, did it, the informing or accusing party *should be good* for the prosecution. On the other hand, Mr. Ely was obliged to defend himself; and the Judicatory should have rejoiced in furnishing him with the means of proving that he had not, by any falsehood, dishonored the Presbytery of which he is a member.

Finally. The decision, that Mr. Ely's two motions, for a sight of the testimony, and for liberty to propose questions, were *out of order*, before his trial was entered upon, was, in our opinion, very much like the determination to hang a man first, and try him afterwards. We, therefore, Protest against the aforesaid decisions, as contrary to the Constitution of our Church, to the dictates of common sense, to the rule of doing as we would be done by, and to the whole spirit of the word of God.

(Signed)

The foregoing Protest was not handed to the Stated Clerk, and therefore does not appear on the records of Presbytery. The protestants were unwilling to refer to Mr. Ely's case, by the insertion of any new matter which they could avoid; but, since those who proposed to bury the hatchet, have dug it up again, it is suitable that the public should know the whole controversy.

THE DEFENCE which Mr. Ely intended to make was this.

1. That the Prosecution against him, originated in hostility of feeling in relation to himself, and the system of theological doctrine which he has maintained in his "Contrast between Calvinism and Hopkinsianism."

2. That the whole process had been irregular.

3. That there was no foundation for the prosecution in common fame. And

4. That the testimony was insufficient to maintain said charge, even were it established, that common fame had furnished occasion for it.

One may here ask, why did not the accused defend himself? Why did the Presbytery wish to send Mr. Ely away from their tribunal in secrecy? This leads us to

THE NARRATIVE OF THE CLOSING SCENE IN THE PRESBYTERY OF NEW-YORK.

On Saturday morning, the 29th of January 1814, after the Prosecution against the Rev. E. S. Ely, had continued its march for three days and as many nights, with all the vigour of an undisciplined troop, in sight of anticipated and easy victory, the Judicatory offered to *treat* with the person at their bar. He was not implacable, but easy to be entreated, and destitute of desire for revenge. His opponents had unwittingly put a sword into his hands, which might have been wielded against them with dreadful effect. Peace being concluded upon by the parties, which unhappily has not been maintained by the prosecutors, it is now time to describe *the closing scene* of the campaign, and the manner in which the parties left the field.

On the memorable morning, then, of the 29th, and on the 4th of the Prosecution, an Elder of one of the Churches, who was not a member of the Presbytery, came to Mr. Ely in the Session-room of the Judicatory, and said, that his pastor, the Rev. William Boardman, was sensible that he was completely in the power of the accused, and must beg

him to have mercy on the person who first informed the Presbytery, that common fame accused the defendant. Mr. Ely asked the Elder, if Mr. Boardman had authorised him to treat upon this subject. The Elder replied, that Mr. Boardman had wished him to converse with the accused, and request that Mr. Ely *would not be hard upon him*; would not prosecute him; for he confessed that he had unintentionally injured Mr. Ely, and knew, that he, Mr. Ely, could now destroy him as a man and a minister, for his imprudence in giving currency to slanderous reports. Mr. Ely said, "if Mr. Boardman asks mercy, I cannot refuse it, and if he will publicly confess his error, I will publicly promise not to call him to account for his misconduct." This Elder then returned to his seat, and Mr. Boardman, with the ghastly face which, for two days, was common to him and all the active members on the part of the Prosecution, came in, and whispered a question to his agent, who returned an answer unknown to the writer; but Mr. Boardman's countenance gained fifty shades of life in a moment. Another Elder of this same minister, informed Mr. Ely, that Mr. Boardman was sorry for what he had done, and that Mr. Boardman had told him, that he had been misled by a brother clergyman, the Rev. G. Spring, of the city of New-York.

Soon after this treaty between the accused and one of the prosecution was closed, Mr. Caldwell came into Presbytery and took Mr. Ely aside to say, that two gentlemen, Elders of different churches, had waited on him in the behalf of Mr. John Mills and the Rev. G. Spring, who were desirous of an amicable adjustment of difficulties. These commissioners to Mr. Caldwell desired him, as the friend and confidant of Mr. Ely, to propose that Mr. Ely should now accept of an honourable acquittal, without making any defence; and that Mr. Ely should consent to desist from any further ecclesiastical proceedings in the case. Mr. Caldwell stated, that he could not pledge himself for the course of Mr. Ely's conduct; but he would execute his commission, and he was persuaded Mr. Ely would act the part of a Christian Minister. Mr. Caldwell having stated what he was instructed to communicate, received for a reply from Mr. Ely, that he would consider the proposal, and act according to the conviction of duty.

The accused then took his seat. The Moderator had offered prayer as usual; but did not once pray, during the sessions of Presbytery, that the accused, if innocent, might

be honorably acquitted. All was silence and suspense. Mr. Ely was thinking. He had not been called upon to state the points of his defence. It was well for the Presbytery that he had not.

After some little delay, the Moderator, the Rev. Isaac Lewis, turned to the accused and said, that he had a proposal of peace to make to Mr. Ely. Every member of the Judicatory, he said, was perfectly convinced, from what they had already heard, that the charge of falsehood brought against Mr. Ely, was without any good foundation : and the Presbytery was now ready to give him an ample certificate to that effect, if he would consent that, in this stage of the business, all the proceedings should be quashed.

Mr. Boardman then arose, and reiterated the opinion of the Moderator, that every member of the Presbytery was convinced of the innocence of the accused, and he had therefore proposed a resolution to that effect, which he would read. He read it, and said he hoped it would be immediately and unanimously adopted, if Mr. Ely would consent to let the judicial proceedings stop here. The accused then observed, that for himself he would desire the Trial to be continued. He was sensible that the Trial was for his Ministerial Life or Death ; and that the implication of his character was, in effect, like the unjust impeachment of a female's chastity. It would seem to require that, in his defence, he should do something more than clear himself ; which he was fully prepared to do ; but he did not wish that any person should be punished for his own imprudence, and therefore, if Mr. Boardman would confess that he had injured him, and that there was no good foundation for the charge, the first informer against the unjustly accused person should be held guiltless. Mr. Boardman then stated, that when he first introduced this subject in Presbytery, he was persuaded that a common fame did exist on this subject ; but he had seen his mistake, and was now sorry for what he had done, and hoped his brother Ely would receive him as a Christian friend. On hearing this, Mr. Ely advanced, and while holding Mr. Boardman's hand, said, " You have wronged me, but I forgive you, and promise never to take the advantage of any thing you have said or done. You lightly took up an ill report against me, and it might have destroyed my usefulness, but I will remember your fault no more !"

Here was the exoneration of only one person, who had said, " If Mr. Ely has a Call from Rutgers-street Church,

he will have some very disagreeable charges brought against him." This would have appeared in evidence on the defence, but the person who uttered the expression had been unduly influenced, and probably foretold what others intended to do, rather than what he then purposed to execute.

Some time during the above reported conversation, the Rev. Mr. Spring came into Presbytery, and not having received any pledge for his own security, hastily interrupted Mr. Boardman by saying, "Moderator, I hope that gentleman will not express the opinion of the members of this Judicatory, until we know what Mr. Ely will do."

It was a caution which came too late, for the Moderator and Mr. Boardman had already expressed their opinion, and even Mr. J. Mills and Mr. Spring had said, by a commission to Mr. Ely, that they thought him innocent. What! is the acquittal of an unjustly accused person, whom you believe to be guiltless, to be a matter of *compromise and bargain*? Would Mr. Spring say, "I will give you a certificate of innocence, if you will promise not to discipline me, for slandering you before the Presbytery and the world?"—Fie, fie! this is not a work of Calvinism.

The motion offered by Mr. Boardman was immediately seconded, and then ensued a free conversation between the members of Presbytery, who were principally and personally concerned in the prosecution. Mr. Lewis, the Moderator, and Mr. Spring, who acted the part of chief prosecutors, Mr. J. Mills, and Mr. Ely, were the principal speakers. Mr. Lewis observed, "that the Presbytery thought, at the time the process commenced, that a *fama clamosa* did exist, and that Mr. Ely's not appearing personally, upon receiving the first notice of the expected prosecution, was evidence that he felt conscious of guilt. From this circumstance the members of Presbytery expected to convict him."

Mr. Ely replied, that his consciousness of perfect innocence, and the irregularity of the proceedings of Presbytery, together with the inconvenience of travelling one hundred miles to quash a vexatious suit, induced him to write his letter to the Judicatory, instead of appearing to make his defence. Besides, he was persuaded, that such was the state of mind of many of the Presbytery, that they would not receive his own testimony concerning himself; and they gave, in the whole business, too much reason to believe that they would be grieved to find him guiltless. The Moderator solemnly called God to witness that he had been impartial in

the whole transaction, and now desired an amicable adjustment with the accused. Mr. Ely stated, that he did not wish vengeance, and was willing to go into a frank conversation, which would most effectually elicit truth, and give all present an opportunity of forming a just opinion about the original root of bitterness. He would, therefore, ask of Mr. Spring, why, in the multitude of questions he had proposed to the witnesses, he, as a judge bound to decide impartially, had not asked one question which might have tended to the exculpation of the accused?

It was evident to all who heard the examination, that Mr. Spring, who had studied law *two* years, and divinity *one*, before he became a preacher, proposed his queries to the witnesses with all the eagerness and acumen of a hungry pettifogger, whose bread depended upon his success *per fas et nefas*. To the question of Mr. Ely, Mr. Spring made, in substance, the following reply.

He had not engaged in this prosecution without much serious self-examination and prayer, because he feared that he might be influenced by improper motives and feelings in relation to Mr. Ely. Indeed, ever since his settlement in the Brick-Church, New-York, he had been very unpleasantly situated from his supposed heterodoxy; and he had often thought he should be compelled to leave his charge. His troubles, he conceived, to have been principally owing to Mr. Ely; who had done as much as to accuse him of not acting conscientiously; for Mr. Ely says, in the conclusion of his Contrast, "this conclusion therefore, irresistibly follows, that no person who is fully convinced of the truth of this [the Hopkinsian] system, or who is not a Calvinist in sentiment, can conscientiously unite himself to the Presbyterian Church, by assent to its Confession of Faith."

Here Mr. Ely asked, if he had ever named Mr. G. Spring in his *Contrast*? Mr. Spring stated, that he had not; but Mr. Ely had told the Presbytery, at the time of Mr. Spring's examination, that he was a Hopkinsian; and of course, if Mr. Ely said that Mr. Spring was a Hopkinsian, and that no Hopkinsian could conscientiously join the Presbyterian Church, he must have intended to accuse him. Under these circumstances, Mr. Spring thought, no one could think it strange if he should seem a little partial in the examination; but he had asked some questions which might have tended to clear the accused; for he had asked the accused, after the Citation was read, if he had any explanation which he wished then to offer; and he had asked Dr. Milledoler, when under

examination, if he could offer any explanation of the apparent contradiction contained in the letters which gave rise to the prosecution ?

Mr. Ely replied, that he had not said at the meeting of Presbytery, at which Mr. Spring was examined, that he was a Hopkinsian ; but since the subject had been introduced, he would relate what did transpire on that occasion. It might tend to satisfy him, that Mr. Ely had not acted such an unfriendly part as he supposed.

At the commencement of the meeting referred to, Mr. Ely was admitted to a seat, and Mr. Spring, having been generally examined, was called upon to read a Trial Discourse. He then retired, and the Moderator called upon Dr. Romeyn, and the other members after him in the order of seniority, to know whether they would sustain the Discourse. The Moderator should have begun by asking Mr. Ely first, who was then the youngest member ; but by the mistake, he was not required to express his opinion until every other member had. Every member of the Presbytery thought the Sermon unsound in doctrine, and most of them said, that they would not sustain it, nor proceed to the ordination of Mr. Spring, if they did not believe he had written the Sermon in haste, and would, on a little reflection, renounce the doctrines which it contained. Last of all, Mr. Ely being called on to give his opinion said, that were he in Mr. Spring's case, he should desire to be recalled to the Presbytery, that he might have an opportunity of explaining more fully his sentiments, of rectifying wrong apprehensions, and of ascertaining how far he differed from the persons with whom he was about to be connected. He advised, therefore, that Mr. Spring should be sent for, before the final question was decided ; for Mr. Ely was much in a mistake, if Mr. Spring would not vindicate more strongly to-morrow, whatever sentiments he had designed to advance to-day. While the Presbytery was deliberating what course they should pursue, Mr. John Mills, then a Commissioner to prosecute the Call to Mr. Spring, arose, and expressed his hope that the candidate would not be recalled for further examination, because he was persuaded that it would hurt his feelings. He wished that the Presbytery might proceed to the ordination on the day appointed, which was the next day ; for he thought Mr. Spring had written his Sermon in haste. Did I believe, said Mr. Mills, that he would maintain those doctrines, I should wish, even at this late period, to have his settlement among us prevented ; and if that Sermon has been read and approved where Mr.

Spring studied divinity, I have no longer any hope of good from Andover. Mr. Mills proposed that all the clerical members of Presbytery should agree, soon after his ordination, to call on him, and seek to reclaim him from his errors, or instruct him more perfectly in the doctrines of salvation. Upon this plan, for the promotion of peace, and to save the people of the Brick Church from a great disappointment, it was unanimously agreed to proceed to the ordination.

Mr. Spring here said, that it was at the meeting of the Presbytery on the morning *after* his examination, and *before* his ordination, that Mr. Ely accused him of being a Hopkinsian. The Presbytery then met at the house of Mr. Mills.

Mr. Ely stated, that he did recollect, that when he entered the room of Mr. Mills, where some of the members of the Presbytery were assembled, he said to that gentleman, in something of a jocular manner, "Well, Mr. Mills, you ought never to say that I am a Hopkinsian after this, for that was a Hopkinsian sentiment." This Mr. Ely said, because he had understood, which was a mistake, however, that Mr. Mills had represented him to be a Hopkinsian, and had objected to him on that account. He may have said more on this subject at that time; but if he did, he had no remembrance of it.

Mr. Mills stated, that Mr. Ely did say to him; at the time above mentioned, in a laughing way, "So, I congratulate you, that you have got a Hopkinsian for your pastor." This he said gave him trouble, for they had taken Mr. Spring principally upon recommendation, having heard only a few sermons from him, and he was at that time afraid it might be true: for he did dislike Mr. Spring's *trial Sermon*.

Mr. Ely, in continuation, said, that on the same morning, while he was walking in procession to the Church with Mr. Spring, that gentleman introduced the subject of the difficulty in the Presbytery, and Mr. Ely then informed him what he had said the night before, and what advice he had given about some further examination. After Mr. Spring was ordained, Mr. Ely was frequently asked, "Is Mr. Spring a Hopkinsian?" and he could probably bring a hundred persons to prove, that for many months his uniform reply was, "I do not know; for he may have imbibed some of their opinions, without espousing their system, or deserving their appellation." Mr. Ely did not know, with certainty, what system of theology Mr. Spring intended to maintain; but so favourable was his opinion of him, that he thrice proposed to exchange with him, and Mr. Spring thrice said that he had some

difficulties to settle first. Mr. Ely desired that they might be instantly disclosed, for he would wish to live peaceably with all men.

Mr. Ely acknowledged that he had said, at a subsequent period, that he thought Mr. Spring a Hopkinsian. For this he assigned the following reason:—The Rev. Dr. S. Miller, then a pastor of the First Presbyterian Church in New-York, called at Mr. Ely's room, some time after Mr. Spring's ordination, and said, "Pray, brother Ely, what are some of the principal points of difference between the Calvinistic and Hopkinsian scheme?" Mr. Ely at once stated five points of importance, and Dr. Miller said, "I wish you would write an essay on the subject; I should like to see it." Mr. Ely replied that he would, if he could find time. This first suggested to Mr. Ely the notion of writing his *CONTRAST*. In the course of a few days after Dr. Miller's call, the Rev. Dr. McLeod and the Rev. Dr. Romeyn introduced the same subject, in the same room, in consequence of the singular admission of Mr. Spring to the Presbytery, and requested Mr. Ely to write some numbers for the *Christian's Magazine*, on the principal points of difference between Calvinism and the modern usurper of Calvin's name. Mr. Ely informed them of Dr. Miller's request, and assured them, that he would attempt a comparison. Dr. Miller favoured the writer of *THE CONTRAST* with Hopkins's System of Divinity, and he prepared a rough draft of the work which has been since published. At first it was contained in a quire of paper loosely written; and in this condition he submitted it to the perusal of Dr. Romeyn, who returned it, with this solitary remark, that he thought the work of so much importance, that it ought to be enlarged and published by itself. Mr. Ely began to entertain the same opinion, and without consulting any other person, carried his manuscript in his hand to the house of Mr. Spring, read him some parts of it, and requested the loan of the "*Massachusetts Missionary Magazine*," and "*Spring's Disquisition*." The first work he obtained; but the last, Mr. G. Spring said, since he had several copies he would with pleasure have given Mr. Ely one; but to be used in preparing *THE CONTRAST* he would not even lend a copy of his father's "*DISQUISITION*." At this interview the Rev. G. Spring said, "If you publish that *CONTRAST*, you may depend upon it you will get a *drubbing*," and, "if no body else gives it to you, I will." Still Mr. Ely did not call Mr. Spring a Hopkinsian; but he obtained the use of a copy of *Dr. S. Spring's Disquisition* from Dr. Samuel Miller.

"THE CONTRAST," that original sin of Mr. Ely in the estimation of many New-England divines, was published in the Spring of 1811, in the month of May following the Summer in which Mr. Spring was installed. The book was read by that gentleman, and soon after, when Mr. Ely gave him a friendly morning call, he told Mr. Ely, that he could hardly think him a good man who had written *THE CONTRAST*; that he must either be grossly ignorant or grossly wicked, who had written such a book, and that Mr. Ely could not be ignorant. Mr. Spring said moreover, at this interview, when Mr. Ely requested him to maintain his own opinions and yet live in friendship with him, that he should do every thing in his power, which he lawfully could, to destroy the influence of Mr. Ely's character in the city of New-York, because he had done more mischief than all the other ministers in the city could have done.

[A similar compliment Mr. Spring paid Mr. Ely in the Presbytery, when the latter, being then Moderator, wished to propose some written questions to a candidate who was under examination. Mr. Spring read the questions, and objected to their being proposed, saying at the same time, that Mr. Ely, from his knowledge of the technical language of divinity in the north and south, was better able to *entrap* the candidate than any other member of the Presbytery. But to return.]

Mr. Ely asked Mr. Spring, at the forementioned interview, if it was not as far from Mr. Spring's house to Mr. Ely's lodgings, as from the latter to the former. "Do you not differ as much from me, as I do from you? And is it not your intention to maintain what you believe to be truth?" Mr. Spring replied, "Yes, I maintain a system directly opposite to that which you have supported." From this it was concluded that Mr. Spring intended to avow Hopkinsianism, and from this time Mr. Ely, when questioned, said, that he thought him a Hopkinsian. "But, perhaps," said Mr. Ely, "I never called him by that name a dozen times in my life, and I will now agree with him, never to say that he is a Hopkinsian again, if he will promise never to call me a Calvinist." With this explanation, Mr. Ely offered Mr. Spring the same hand of friendship which he had given to Mr. Boardman. Mr. Spring was not yet satisfied; and quoted a place in *THE CONTRAST*, in which it is said in a note, page 212, "I never heard a Hopkinsian admit the possibility of saving infants before." "Mr. Ely has there represented the Hopkinsians as denying the possibility of the salvation of infants."

The author of *THE CONTRAST* replied, by giving an explanation, which, he said, he had given to Mr. Spring on a former occasion, when Mr. Spring threatened to destroy his influence, which induced Mr. Ely to publish the *Recommendations* of *THE CONTRAST*. Mr. Ely then declared, and now declared again, that he had represented a Hopkinsian as saying, p. 212, that the scriptural doctrine of faith did not exclude infants from future felicity; and it was some person, wrongly informed on this point, who is represented as being surprised to hear a Hopkinsian admit the possibility of infant salvation. In the preface to the discourse on the Christian Graces, p. 196, the writer says, "Let the reader imagine that the following discourse is from the mouth of one of these divines, and that *the notes* accompanying it are the observations, which a sensible Scotchman whispers to his own heart, during the delivery." Mr. Spring was, therefore, a second time informed, that he had misunderstood the writer of *THE CONTRAST*. "But," said Mr. Ely, "we must honestly maintain our own opinions, and of these explanations there might never be an end. I am willing to be at peace with my brethren, if they please. If any one has a right to complain, I must think that those who had large salaries and churches might have been content to have let me alone, while I was preaching to the poor, and was uncertain of receiving enough to pay for my board to the poor widow with whom I resided. If any one of the Presbytery has been injured, I have, and am now ready to forgive all the past. If any one wishes the Trial to proceed, I do most of all; for this Prosecution must, in the issue, cut wide and deep to the destruction of many around me. But vengeance is not my object, and I again offer Mr. Spring my hand."

Here Mr. Spring drew back, saying that he would not, as an honest man, shake hands in insincerity.

Mr. Ely assured Mr. Spring, that he would not knowingly give his hand to any one who doubted *his* sincerity, and that he should not offer it to Mr. Spring again.

Mr. Spring wished, he said, to give his own hand in sincerity. He did believe the accused innocent, and desired that all the proceedings in the case should be arrested. He thought the memory of Dr. Milledoler was wretchedly treacherous, and that in consequence—

Mr. Ely interrupted Mr. Spring, to ask an explanation, or to give, by way of query, something of a caution.

Mr. Spring said that he believed Dr. Milledoler to be an honest and good man, and a faithful servant of his Master;

but he thought his faculty of memory was very, very treacherous. In short, Mr. Spring evidently wanted some excuse for the part he had taken in the commencement and progress of the prosecution, and since he could blame no one else, he made an effort to cast all the blame of the whole unfounded process on a single faculty of the Doctor's mind. After expatiating on this subject, without saying any thing which can now be recollected, he professed himself satisfied with Mr. Ely upon every subject except that of his CONTRAST; and reserving to himself the right of being displeased with that, in which every one was willing to indulge him, he advanced towards Mr. Ely, and they united hands.

The Presbytery then voted an unanimous acquittal, and a certificate of the same.

THE SECOND CALL FROM RUTGERS-STREET, NEW-YORK.

AFTER his acquittal, Mr. Ely preached twice in New-York, and then returned to Philadelphia. The church in Rutgers-street, New-York, in about 15 days after, at a full meeting of electors, unanimously made out a second Call for him. On the 19th of April, 1814, the Presbytery of New-York convened, and Mr. Ely attended. The Call was presented by Commissioners, who requested that it might be put into the hands of their pastor elect.

Mr. SAMUEL RUSSEL, and others who had, sometime after the election, assembled at a private house to make unconstitutional opposition, came forward and presented a paper, to which were affixed, in the same hand writing, the names of more than twenty persons, who were styled commissioners of the opposition. He presented also a list of names of persons who were supposed to be opposed to the settlement of Mr. Ely, which amounted to about 80; but neither paper contained one signature in the writing of the person named. Mr. Divie Bethune, a member of the Presbytery, enquired of the chairman of the opponents, how many persons were present at the meeting, at his house, over which he presided? He stated, that some who were put on the commission were not present; and that five or six persons were at the meeting who were not appointed; so that, according to his belief, there were just about as many at the meeting as were appointed commissioners! Upon this information, Mr. Bethune wished to know who were their constituents, and who appointed them to make opposition? but could gain no intelligence, for it was evident that the commissioners had to hunt up their constituents wherever they could afterwards be found.

Mr. Russel, the orator of opposition, objected to the Petition that the Call should be put into the hands of Mr. Ely, principally, upon the ground that some of his writings, particularly his "*Sermon for the Rich to buy*," his "*Contrast*," and his poem, entitled "*William and Ellen*," contained exhibitions, of bold, biting, and imprudent thought. He conceived that Mr. Ely's "*Contrast*" was designed to cast some reflection on the clergy of New-England; that his Sermon is severe on Physicians, Lawyers, and Rich men; and that his poetical works have all the lascivious tendency of the writings of Sterne; while they are so delicate in language, that no one place can be legally condemned. He did not think Mr. Ely had any bad design, for he doubted neither his morality nor his piety; but indeed he did consider Mr. Ely's writings as very likely to injure ardent youth. Before Mr. Ely published his *CONTRAST*, there were no divisions in New-York; but now, some of the Ministers would not exchange with others, and those who were deemed heretical, had found it difficult to retain their standing in the church. If, however, he said, Mr. Ely should be set over us, we can, with little trouble, retire to other churches. Such was the substance of the opposition.

Mr. Russel is not a communicant, nor a regular attendant at Rutgers-street church; but a *Trustee of Mr. Perrine's congregation!*

On the part of those who prosecuted the Call, it was proved, that many of the persons who were reported as opponents, had pledged themselves to make no official opposition, and would not, for their right hands, have written their names; that some were in foreign countries; that others were not pew-holders in this but other churches; that some were active friends of Mr. Ely; and that very many others were deeply mortified at learning that their names had appeared on a list of opponents, and requested that they might be erased. Many certificates were read to this effect; and thus the list of opposers was reduced to nearly one half. Indeed, no one said that he was actually authorised to make opposition in the name of another; and all allowed that the Call was, in all points, perfectly regular and constitutional.

On Thursday, the 21st of April, in the afternoon, it was moved and seconded that the Call be put into Mr. Ely's hands. At this time, and ever since the opening of the Presbytery, there was a majority of two persons present in favour of Mr. Ely. It was pretended at this time, by the opposition, that they expected to be better prepared to show,

on the morrow, why the motion should not obtain. It was well understood, however, that they desired to gain time; and had not Mr. Ely urged the Presbytery to grant them all the time which they desired to oppose him, the Call would have been put into his hands without delay. It was agreed to defer the business until Friday morning. When the morning came, all were ready, for then Mr. Lewis, and an Elder, who had been under his tuition, had taken their seats, and one of the friends of Mr. Ely, being weary with delay, had gone to his farm.

It is worthy of serious notice, that Mr. Isaac Lewis, the Moderator during the late prosecution, who resides about thirty miles from New-York, had come to the city that he might open the meeting of Presbytery; but was immediately followed by a messenger, who informed him that his child, which he left perfectly well, had died suddenly. He returned to bury his dead, and the opponents obtained a delay, that he might be present to perform another act of injustice. Neither Death nor the Grave seem to have been able to detain him from the work of persecution.

Should he not have regarded the voice of Providence, which said to him, "Desist from doing injury to one of my Ministers?"

When the question was to be decided, the Presbytery resolved to be alone; but they passed no injunction of secrecy, and their works, of which some of them have need to be ashamed, will be brought to light. After the spectators had retired, Dr. John R. B. Rodgers said, that he wished to vent his feelings in relation to Mr. Ely, and therefore insisted on his absenting himself. Some of the clerical gentlemen united with him; but Mr. Ely told them, that he had a right to debate on the subject; that the Presbytery had formerly involved themselves in much difficulty, by talking about him in his absence; and that to save them trouble in future, he would hear what they had to offer. Dr. Rodgers still insisted that he should be absent, because he did not wish to wound the feelings of Mr. Ely; for he was himself prone to be very ardent, and felt hurt, that, in relation to the late Trial, he had himself been left to great sins, which he must charge to Mr. Ely's account. Does the Doctor remember that one of Mr. Ely's judges said, "I wish Mr. Ely had broken his neck before he came to New-York?" If the memory needs to be quickened, some testimony is at his service.

Mr. Ely finally said, that he had lately become so much accustomed to good and evil report, that he could hear both

with all the indifference of a judge, and would not yield his right of sitting in the Presbytery, until he was compelled by force.

The Rev. Henry P. Strong, the Rev. G. Spring, the Rev. Wm. Boardman, the Rev. Isaac Lewis, and the Rev. M. L. R. Perrine, ministers, stated their reasons why they would not put the Call into the hands of Mr. Ely. Their reasons were in substance these, that there was some opposition in the Congregation; that Mr. Ely had made division in the city by his CONTRAST, and that it would not be for his happiness to accept of any charge in New-York.

Before Mr. Spring, however, gave his opinion, he asked Mr. Ely, before the Presbytery, if he (Mr. Ely) was not pledged, either to some individual in Philadelphia, or to the Church there, which had called him, to abide with them? Mr. Ely said, that he was pledged to do what Providence should indicate to be his duty; and particularly to maintain the cause of that Congregation which should be most oppressed. The Call from Rutgers-street he had not moved a finger to obtain; but that church had a right to call him, and the Presbytery could have no good cause for refusing to put the Call into his hands. "Do your duty," said Mr. Ely, "and I will do mine." Here Mr. Spring said, that *if Mr. Ely would promise not to accept the Call, they would unanimously put it into his hands, which would save the honor of the Presbytery, and promote the peace of the congregation.* In proof of this fact, we offer Mr. Divie Bethune, Mr. Masters, the Rev. J. M'Neice, and others. Mr. Ely indignantly replied, "No, I will not hire you to do your duty; you shall take the responsibility of your own decision; for it will be soon enough for me to dispose of the Call when it is in my hands." Mr. Lewis took the alarm at Mr. Spring's *imprudence*, and said, that two wrongs would not make a right, and therefore he, for one, would not comply with Mr. Spring's proposal.

The Rev. Messrs. Faitoute, Kuypers, and M'Niece, said, that the Constitution, and the situation of the church, made it their duty to put the Call into Mr. Ely's hands. Mr. Divie Bethune, in the style of a candid judge, and with great energy, such as became a gentleman and a christian, defended the cause of Truth. He was supported by Mr. Masters, who dared to differ from his pastor, and by other Elders. Dr. John R. B. Rodgers had the warmth to let out the whole secret of the opposition. He could not endure the thought, that Mr. Ely should return to the city,

because he had written **THE CONTRAST**; for Mr. Ely would become a member of religious societies, &c. With flowing tears of rage, he said, I cannot, "I cannot, go and sit in the **Missionary Society** even with Dr. Milledoler, who said that he considered his peace and reputation unsafe in this **Presbytery**; as if we were the assassins of reputation."

It was decided by a majority of two votes, that the Call should *not* be put into the hands of the pastor elect. Mr. Ely and the Rev. J. B. Andrews did not vote. Thus abundant proof was given of the inimical disposition of those men, who could not condemn the accused, but who could subsequently encroach upon his rights.

Some time during this session of **Presbytery**, the Rev. G. Spring read a **Resolution**, which he said he intended to call up at a future time, for adoption. It related to the late testimony of Dr. Milledoler, and was in the opinion of most who heard it, tantamount to a charge of perjury, while it also accused him of having aimed at producing division among the churches. Mr. Ely soon after gave notice, that should Mr. Spring submit his **Resolution** agreeably to his intimation, the yeas and nays should be recorded, and whether the **Resolution** should pass in the affirmative or negative, Mr. Ely would submit a **Resolution**, which he then read, and which, after a little modification by himself, was to have been couched in the following words, viz.

"The **Presbytery** having come to a decision on the **Resolution** submitted by Mr. Spring, it was, on motion of Mr. Ely, resolved,

"That this **Presbytery** have observed with regret a reference unnecessarily made to subjects already decided upon, in the former sessions of this judicatory; but feel themselves compelled to decree, since the matter has been forced upon their attention by those who originally accused Mr. Ely, and they do accordingly decree,

1. "That no witness shall be impeached, or otherwise held up to reproach, for testimony given before this judicatory, unless he be a proper subject of discipline, and liable to trial for perjury.

2. "That the conduct of Dr. Milledoler, in the late trial before this **Presbytery**, when he appeared as a witness, by the citation of this judicatory, was such as became a Minister of the **Gospel**; and that the attempt to impeach him, and condemn him unheard, while in consequence of belonging to another denomination of Christians, he can neither defend himself, nor punish his accuser, savours more of the spirit of vengeance than of the spirit of **Jesus Christ**."

After the Call was *choked*, one member of the Presbytery, who came to assist at the operation, had leave of absence, and in all other cases Mr. Ely could act; so that his Presbyterian opponents found themselves in the minority again, as they had been on every subject of difference excepting that of the Call. It is presumed that this fact induced Mr. Spring, on the last day of the session, to decline the renewal of his Resolution; but he wished it to be understood, he said, that his opinion had not changed, and that he was not deterred by the *Rod* which Mr. Ely held over his head, for he did not care *that* (cracking his fingers) for any Resolution of that man.

Mr. Ely in reply, said, that so long as Mr. Spring held the office of a Minister of Christ, and a place in his judicatories, *HE did care* much for any Resolution which Mr. Spring might offer, and was sorry that any ruler in Christ's kingdom, should disgrace himself or attempt to injure others; but since Mr. Spring had drawn back, he should not insist upon entering the minute which he had prepared, upon the records of Presbytery. Let the world then judge, who is the man of prudence, and who the rash accuser of his brethren, the man of malignant ambition, and ceaseless vengeance.

THE PRESBYTERY OF PHILADELPHIA

CONVENED also on the 19th of April 1814. After calling over the roll of members, the Representatives from the vacant Congregations were called. Mr. William Smiley banded to the Stated Clerk of Presbytery (the Reverend Mr. Thomas H. Skinner) his Credential as the Representative of the Session of the Third Presbyterian Congregation, attested by the Rev. J. W. Doak, the ministerial moderator of the Session. Then came Mr. John M'Mullin, who presented a paper, *attested by himself*, and dated on the same day on which it was presented, the purport of which was, that *he* was the Representative from the Session of the Third Presbyterian Congregation. The Rev. Stated Clerk then first read (not in the order of time in which it was presented) Mr. M'Mullin's self-attested Credential; and, after a pause, on which every person who saw it might draw his own inference, laid it down and took up Mr. Smiley's Credential, which he also read, omitting the attestation of the ministerial moderator. He next read the Credential of an Elder from some vacant church in the country. After which,

being privately requested by Mr. Smiley, he read the name of the moderator attesting his Credential, but without stating whose Credential it was affixed to.

Finding that there were two Elders from the Third Presbyterian Congregation, each claiming to be the Representative of the Session, Presbytery referred the business to a Committee, consisting of the Rev. Messrs. Janeway, Freeman and J. W. Doak, and Messrs. Latimer and M'Claren, Elders. The Committee met the same evening, but did not examine any witnesses under the solemnity of an oath, agreeably to the Form of Government and Discipline of the Church. They simply took down the statements of the adverse candidates, Mr. Smiley and Mr. M'Mullin, from which it appeared, that Mr. Smiley was chosen at a meeting of the Session in the Church, at which were present three old and three new Elders, with a ministerial moderator; and that Mr. M'Mullin was afterwards chosen by the remaining four old Elders (who refused to act with the new Elders) convened at the house of Mr. Robert M'Mullin, who presided as a lay-moderator, contrary to an express provision of the Constitution of the Presbyterian Church, which declares that the perpetual moderatorship of the Church Session is inherent in the ministry.

The Committee made a Report that Mr. John M'Mullin was entitled to the seat as the Representative from the Session, but recommended to Presbytery first to try the validity of the election of the new Elders. The Presbytery, however, without examining any witnesses either for or against the parties, voted that Mr. M'Mullin take his seat as the Representative from the Session of the Third Presbyterian church. Thus was Mr. Smiley, who stood ready to prove the validity of his appointment, rejected without evidence and without a trial, and thus was a Congregation, which he represented throughout the medium of the majority of Session, deprived of a voice and vote in Presbytery as well as in Synod, for each member of Presbytery is also a member of Synod.

Mr. Smiley protested against Mr. M'Mullin's taking his seat, and appealed to Synod from this most extraordinary decision of Presbytery; but Presbytery refused to sustain the protest and appeal, although the right to a seat in Synod was thereby involved.

Mr. Smiley, on behalf of the Session, then requested Presbytery not to appoint supplies for the Third Presbyterian Church; and one of the Commissioners of the Congregation, in their

name and on their behalf, also requested Presbytery not to send them any Supplies. Yet notwithstanding this most unequivocal demonstration of the feelings and wishes of the Congregation, the Presbytery did proceed to appoint Ministerial Supplies for Pine-street Congregation *for six months!*

Now comes the *finale* of this long black catalogue of usurpation, persecution, and outrage upon decency and common sense.

A Petition or Protest was handed to Presbytery by the four Elders, complaining of the election of four new or additional Elders by the Third Presbyterian Congregation. Sheltering himself under his privilege as a Member of the Presbytery (and he is a very influential member,) and under the covert of this said Petition or Protest of the four Elders, the Reverend James P. Wilson, D. D. seized the occasion to asperse, criminate, and revile the conduct of—*not the four petitioning Elders, but—a Congregation of believers, their Commissioners, and seven of their Elders, some of whom were present, but were not permitted to say a word in explanation or defence. And, after he had exhausted his spleen in pouring out a flood of virulence against those who had not the poor privilege allowed them of vindicating themselves, he admitted, what every person who was not an idiot could not help admitting, that the four additional Elders were ordained and could not be un-ordained, and then—the Petition or Protest of the four Elders was dismissed by Presbytery!*

Verily, he will have his reward.

