

QUARREL BETWEEN CLERGYMEN

The Charges Made By Rev. E.C. Sweetser Against Rev. C.P. M'Carthy—
The Accused Takes The Case Into Court And Obtains A Mandamus Against A
Church Committee—Origin And Progress Of The Dispute.

Mr. Herman H. Shook, counsel for Rev. C. P. McCarthy, whose unseemly quarrels with Rev. E. C. Sweetser and others have occasioned great scandal in Universalist circles, applied on Saturday to Judge Donohue, in Supreme Court, Chambers, for an order directing the Committee on Fellowship, Ordination and Discipline of the New-York State Convention of Universalists to show cause why a mandamus should not issue compelling that committee to restore Mr. McCarthy to his rights in, and membership of, the convention. The committee, it will be remembered, decided some weeks ago that Mr. McCarthy's position in his threats of civil suits against persons who might testify against him, and in the commencement of a suit against Mr. Sweetser, was one of disloyalty to the convention and contempt of its rules and its officers, and he was accordingly suspended from performing his clerical functions. Mr. McCarthy bases his application for a writ of mandamus on an affidavit which recites the main points in the disagreement between him and Mr. Sweetser and others. In November, 1876, Mr. Sweetser, who is Pastor of the Third Universalist Church of this City, made charges of immoral and unministerial conduct against Mr. McCarthy. The matter was referred to the Committee on Ordination and Discipline, by which a trial was held. Mr. McCarthy alleges that full testimony was taken on behalf of his accuser, but none on his own behalf, and that then the committee presented him with two interrogatories, to which he was asked to pledge himself not to institute legal proceedings against Mr. Sweetser, and in the second he was required to promise that he would not prosecute in law any persons who might testify against him before the committee. He refused to listen to these propositions, believing that the right to prosecute those who might slander him was one that no religious authority could deprive him of. In the laws of the General Convention, even, it was laid down as a canon that in religious organizations, of whatever kind, reference must always be had to the requirements of local or State laws. McCarthy further complains that his suspension by the committee is in violation of the letter and spirit of the rules and by-laws of the convention, which, under the head of "Discipline," directs that clergymen against whom charges have been made shall only be suspended after an impartial hearing, conducted with due regard to all the principles of equity. He had been suspended without any hearing whatever, because he would not consent to be coerced into become a party to an illegal compact which gave immunity to his traducers for slander and falsehood. The affidavit concludes as follows:

[Third Universalist Society, New York City]

“And this deponent further says that after an experience of 30 years as a minister of the Gospel in England and America, he has never known an instance of such palpable injustice, gross cruelty, and intolerance as has been perpetrated against him by said committee, and that, too, in the face of the regulations and laws of their own corporation. And this deponent further says that he has a family, consisting of his wife and eight young children, depending upon him for support, and he begs to be permitted to reiterate the averment that he depends upon employment in his profession as a means of gaining a livelihood for himself and family, and that while the said suspension from his rights as a member of said organization continues against him, he is unable to procure employment in said profession among the churches of said corporation. This deponent therefore prays for an order to show cause why a mandamus should not issue restoring him to his rights as a member of said corporation, and to full fellowship therein, until he shall be properly suspended according to the constitution, laws, and by-laws of said corporation.”

Judge Donohue granted the order immediately, making it returnable a week from to-day, when the whole case will be reviewed by the court.

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Transcribed on 15 Jun 2008 by Karen E. Dau of Rochester, NY