

[Third Universalist Society, New York City]

A MINISTERIAL WRANGLE.
THE TRIAL OF REV. C. P. M'CARTHY

EXTRAORDINARY PROCEEDINGS IN THE THIRD UNIVERSALIST CHURCH—MR. MCCARTHY ANNOUNCES THAT HE HAS NO RESPECT FOR CERTAIN MEMBERS OF THE COMMITTEE—HE DENOUNCES THEIR ACTION AND THAT OF HIS PROSECUTOR SEVERELY

The second trial of Rev. Charles P. McCarthy, of the American Free Church, on charges of immoral and unministerial conduct, preferred by Rev. E. C. Sweetser, was resumed yesterday morning, in the Third Universalist Church, in Bleecker-street. A considerable number of the brethren and sisters, friends of the contending parties, were present. Mr. Sweetser, the prosecutor, is a thin, sallow-faced young man, with light hair and whiskers, dignified in manner, and has a severe tone of voice. The defendant, Mr. McCarthy, is a short, thick-set, pugnacious-looking gentleman, apparently of Scotch-Irish extraction, with gray whiskers and a shining bald head. His attitude during the hearing of the case was one of mingled politeness and firmness, but whenever his rights were assailed he did not hesitate to vindicate them with an emphasis which at times bordered on asperity. As one of the brethren remarked, "he was a bad man to bull-doze," a sentiment which all present concurred in.

The *casus belli* between the two clergymen, as developed by the evidence, appeared to lie in the alleged attempt of Mr. McCarthy to use his position as temporary minister of Mr. Sweetser's church to alienate the affections of a considerable portion of the latter's congregation, and subsequently to draw away a sufficient number of them to set up an independent organization of his own. This imputation, of course, Mr. McCarthy strenuously denies, and upon that and the collateral issues raised the two reverend gentlemen join issue. The defendant, it should be said, has already achieved a substantial victory over his opponents in the Supreme Court, and, in addition, has recently sued Mr. Sweetser for \$10,000 damages for slander.

Revs. Messrs. [Asa] Saxe, Fisher, Boardman, and [Almon] Gunnison, the members of the Committee on Fellowship, Rules, and Discipline, who are to act as Mr. McCarthy's judges, were all present yesterday, Mr. Saxe acting as Chairman and Mr. Gunnison as Secretary. Before proceeding with the case Mr. McCarthy protested against his trial by such a court, as all its members except Dr. Boardman were prejudiced against him, having already acted as judges in his previous trial, and he having already preferred charges against them, both in the civil courts and in the Church. After some discussion the court decided that it had jurisdiction, and ordered that the trial proceed. Mr. Sweetser then read and offered in evidence a report from a New-York newspaper of an alleged interview between the defendant and a reporter, in which Mr. McCarthy was represented as making various statements derogatory to the character of the Trustees of the Third Universalist Church. Mr. McCarthy characterized the

reported interview as "rigmarole," and a stormy scene followed between himself and Mr. Sweetser, in which both stood up and gesticulated wildly, the court finally ruling against the defendant and accepting the newspaper report as evidence. Mr. McAdam, one of the Board of Trustees of the church, who had been delegated to inform Mr. McCarthy of the conclusion of his temporary engagement, was called as the first witness. He testified, in brief, that general dissatisfaction had been expressed with the defendant's ministry, and that the Board of Trustees had become a unit on the question of his withdrawal. Mr. McCarthy, in his cross-examination, endeavored to procure the names of the persons who had expressed such dissatisfaction. The witness finally gave the names of a Mr. Smith, a Mrs. Elmer Gore, and a Miss Moore. These were all that he was willing to name out of over 300 members of the church. During the cross-examination Mr. McCarthy was frequently interrupted by the prosecutor. Chairman Saxe, on being appealed to, mildly censured Mr. Sweetser, but told Mr. McCarthy that he was taking up too much time with his objections, and that they would never get through at this rate.

Mr. McCarthy—Then, my dear Sir, you will have to remove your house from Rochester [residence of Rev. Saxe] here, unless you stop the constant interference by my opponent. [Laughter.]

Mr. Sweetser again interrupted the defendant, when the latter turned sharply upon him, and said: "The fact is, Mr. Chairman, Mr. Sweetser knows nothing whatever about law; he is as incompetent to conduct the case as though he were a broomstick." [Laughter.]

The witness, continuing, stated that Mrs. Gore had said of the Pastor that he was a man who had given trouble before and would do so again. He thought that the conversation in which this was said took place in March, 1876.

Mr. McCarthy—Was it before or after Mr. Smith had stated in a conference meeting that he did not believe in the resurrection of Jesus Christ? [Sensation.]

Mr. Sweetser—At the risk of another thunderbolt, I object to this style of cross-examination. [Laughter.]

Witness (to Mr. McCarthy)—I don't remember Mr. Smith saying anything of that kind in my presence; he may have said so, however; I think he said that it was at Albany that you gave trouble.

Q.—Did I ever inform you that the Albany church was in my debt; that they owed me between \$400 and \$500, and that was the cause of the difficulty?
A.—I believe you said something to that effect; I don't remember your mentioning the precise amount.

Q.—What did Miss Moore object to about me? A.—She objected to your manner at prayer-meetings, and said that she wouldn't attend any more; I don't remember her saying that your prayer meetings were an innovation.

Q.—Then, Mrs. Gore, Mr. Smith, and Miss Moore were the only people who said anything against me? A.—These are all I can mention now.

Q.—Don't you know that Mr. Smith was a bankrupt at that time, and that he held a place in the Custom-house? [Sensation.]

This question provoked another breeze, which was fully 10 minutes in subsiding. The witness finally answered that he didn't know. The witness then said that at the time of the difficulty between the church and Mr. McCarthy, the latter was "arraigning the board."

Q.—I was arraigning the board, was I? In what way? A.—You thought they were acting in a despotic manner and against the wishes of the people. The witness admitted that at the time the board were considering the propriety of getting up a pecuniary testimonial to Mr. McCarthy in recognition of his services. He was not quite certain about the use of the term "testimonial," but knew that the offering was understood to be a monetary one.

Mr. McCarthy asked the witness about the terms of his [the defendant's] engagement with the church. Mr. Sweetser vigorously protested, and another oratorical combat ensued between the two clergymen. Mr. McCarthy claimed that it was necessary to refer to the terms of his engagement to show that the church had not paid him what it promised, and that as his engagement had been mentioned in the newspaper article which had been put in evidence, he was entitled to cross-examine the witness concerning it. The court sided with Mr. Sweetser, however, and ruled against him.

Mr. McCarthy—Mr. Chairman, do you mean to tell me that when my opponent has quoted three different passages from this document, and then based a question to the witness upon them, that I am not to have the privilege of cross-examining upon it?

The Chairman, after a hurried consultation with his colleagues, announced that he did. Mr. McCarthy inveigled in no gentle terms against this unprecedented and tyrannical conduct of his Judges in refusing him the commonest rights of a suitor in court.

Mr. Chairman—This thing has gone far enough, Sir. Henceforth you must address the court in a respectful manner.

Mr. McCarthy—I shall address the court just as I have been doing and not otherwise. As I have stated already, I have impeached three of you before the church and the civil tribunals, and I care not what you do after this. You may turn me out of court if you please; I am perfectly willing.

Here Mr. Ethan Allen, who acted as "coach" to the committee, appeared, and after Mr. McCarthy had once more restated his demand, amid constant interruptions from his accuser and Judges, the court announced that he might go on with his cross-examination, but only on the passages alluded to in the direct examination.

Mr. McCarthy again attempted to elicit something from the witness, but was again checked by the Chairman, who stated that he must confine himself to the passages indicated.

Mr. McCarthy—I shall conduct my case in my own way, Sir, and without your dictation. For this court *per se* I have some respect; for three of your number I have no respect whatever.

The witness finally stated that at one of his interviews with the ex-Pastor, the latter had charged the board with injustice, and that something had been said about the board doing personally for him what they would not do as a body. There was also some mention of an “alternative” by which Mr. McCarthy was to be paid \$150 if he left before the term of his service.

At this point an extraordinary scene occurred. Mr. McCarthy offered the witness a paper, asking him at the same time if it was not a certain letter which the witness had written to him in connection with their “alternative.” Mr. Sweetser demanded that he be allowed to see it. Mr. McCarthy told him that he could not see it until Mr. McAdam had identified it, whereupon Mr. Sweetser, pale with rage, sprang up and snatched the paper from the hand of the witness. A sudden pause followed, when Mr. McCarthy asked that the court administer a fitting rebuke to the author of such an unprovoked and gratuitous insult. Chairman Saxe ordered Mr. Sweetser to hand the paper back to the witness, at the same time reproving him for his unwarrantable conduct.

Mr. McCarthy—If it comes to a contest of force between myself and my brother, I fancy he will get the worst of it. [Laughter.]

The witness was next asked whether the defendant had not stated to him that he was entitled to the whole of his salary during the period of Mr. Sweetser’s absence. During the wrangle which followed on this question, Rev. Mr. Gunnison, the Secretary of the committee, was detected in a second inaccuracy in putting down the witness as answering “I don’t know” when in reality he said: “I don’t remember.” A fresh storm followed this discovery, and Mr. McCarthy solemnly protested against going on any further without a stenographer. He could not continue with these constant falsifications of the record. A further dispute followed, lasting about half an hour, during which the counsel to the committee began to look fatigued. Mr. Sweetser at length announced that he was through with the first of his series of charges. He then read the second charge, which accused Mr. McCarthy of speaking in a derogatory manner of the society, charging its members with infidelity, &c.

Mr. McCarthy explained that much of this hostility against him had arisen from the excessive delicacy of certain persons in his congregation. The tender feelings of those people had been wounded because he had quoted a portion of a lecture delivered by Rev. John Cumming, in Exeter Hall, London, before one of the most cultivated audiences in all England.

Mr. Sweetser said he had no evidence on this charge to adduce at present. The third charge was announced to be violation of trust, in starting a new society in the immediate vicinity of the Third Universalist Church, from which he

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had just been dismissed, and in drawing away a considerable portion of "our people."

Mr. McCarthy—What does he mean by "our people"? Does he mean that he owns them, and that they have no right to go elsewhere if they see fit? [Laughter.]

Mrs. John Demarest, an elderly lady, was called as a witness upon this charge, but was afterward excused until to-morrow.

The fourth charge was defined by Mr. Sweetser as a violation of the Church rules in appealing to the law against the Church, instead of having his case before the ecclesiastical authorities, according to the principles laid down in Matthew, 18th chapter, 15th to 17th verses, and 1st Corinthians, 6th and 7th verses. "But brother goeth to law with brother, and that before unbelievers," &c.

Mr. McCarthy—I could preach a good sermon on those texts. [Laughter.] But they cannot well be quoted against me in this age, when the courts are Christian, when witnesses are sworn upon the Holy Bible, and when the heathen influences which controlled the law in those days have been supplanted by Christian influences. Because I am a Christian minister, have I any the less the right which attaches to the humblest citizen of seeking justice in the courts of law?

Recurring to the third charge against him, of setting up a new church near Mr. Sweetser's, Mr. McCarthy argued that it was in no sense an offense either against civil or ecclesiastical legislation. If he had gone among Mr. Sweetser's people and libeled and slandered that gentleman behind his back, as Mr. Sweetser had libeled and slandered him, it would have constituted an offense, and a very serious one.

Rev. Dr. Fisher thought that as Matthew didn't make any mention of this board in the passages quoted, it was unnecessary to spend any more time over them. [Laughter.]

After some further argument the case was adjourned until 10 A.M. to-day, when the hearing on the fifth, sixth, seventh and eighth charges will be proceeded with.

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Transcribed on 14 Jun 2008 by Karen E. Dau of Rochester, NY