

[Third Universalist Society, New York City]

THE RIVAL PASTORS

A Belligerent Pastor; The Third Day of the M'Carthy Trial—
Exciting Scenes in Court.—Mr. M'Carthy Gives the Lie Direct to Mr.
Sweetser.—Mr. Smith Wants to Explain But Is Not Allowed To.—
Several of the Charges Ruled Out.

The trial of Rev. C. P. McCarthy, of the American Free Church, on charges of immoral and unministerial conduct, preferred by Rev. E. C. Sweetser, was resumed in the Third Universalist Church, in this City, yesterday, in the presence of a large audience. The majority of the spectators were ladies, who manifested an intense interest in the success or failure of their respective favorites. Both of the parties in this case—the reverend prosecutor and the reverend defendant—were on hand promptly, neither of them apparently fatigued by the long and exciting struggle of the day before. The committee, however, appeared visibly affected by their labors. At 10:15 the Chairman, Rev. Asa Saxe [of Rochester], rapped the meeting to order, and, after a few moments consultation with his colleagues, announced that the committee ruled out the third and fourth charges, in which Mr. McCarthy was accused of drawing away “our people” from Mr. Sweetser’s church, and setting up a church of his own in its immediate neighborhood, and also of appealing to the law for a payment of his back salary, instead of laying his complaint before a committee of the Convention. Mr. Saxe stated that the committee had some doubt as to whether these charges, even if proved, could be held to constitute “immoral and unministerial conduct,” and they had therefore concluded to rule them out.

Mr. Sweetser, (excitedly)—Then you rule out the Word of God, do you?

Order being restored, Mr. McCarthy once more solemnly protested against Rev. Almon Gunnison continuing to act as Secretary, in face of the fact that he had twice falsified the records against him yesterday—once in stating that his objection had been noted, when it had not been, and a second time in recording the witness McAdam as answering “I don’t know” to an important question, when his real answer was “I don’t remember.” Mr. McCarthy read from THE TIMES’ report of the trial to prove this. After a stormy discussion, in which Mr. Gunnison disclaimed any intention of misrepresenting anybody, the committee allowed Mr. McCarthy’s protest to go upon the record, and ordered the trial to proceed.

Mr. Sweetser read the fifth charge, as follows: “I charge him with showing a spirit of wickedness and disloyalty, in saying that if this suit should come to a trial it would ruin the Bleecker-street Church.”

Mr. McCarthy argued that he might have said such a thing in a spirit very far removed from that of anger; he might have said it in a spirit of tenderness, in a spirit of love.

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Mr. Sweetser said that the trouble was that his brother had uttered that remark in a pugnacious and threatening manner, with his arms and fists extended upward in a hostile attitude. If this was a spirit of love, commend him to a spirit of hate. [Laughter.] The whole trouble with Mr. McCarthy was that he wanted this money, and was willing to drag his case into court, instead of going before a church committee.

Mr. McCarty—I don't want to imitate any of my brothers highfalutin' dodges here, but he has entirely overlooked one thing. When he says that I wanted the money—

Mr. Sweetser—That is false. I didn't say so.

Mr. McCarthy (indignantly)—I here assert publicly that Mr. Sweetser lies. [Sensation.] He just uttered those precise words, and I myself took them down at the time. The reporters of the press also took them, and I have now the opportunity of convicting him of falsehood on the spot.

A great uproar followed this incident. Chairman Saxe, after restoring order, censured Mr. McCarthy for using such strong language, although he tacitly admitted what was patent to everybody—that Mr. Sweetser's memory was at fault. Mr. McCarthy, however, was not disposed to let the matter go so easily, and continued, as one of the brothers phrased it, to "rub it in" to his antagonist, until the latter's countenance betokened anything but an agreeable frame of mind. After his temper had cooled, Mr. McCarthy apologized to the committee for the warmth into which he had been betrayed, adding, however, "I cannot apologize to my prosecutor."

Mr. Sweetser, in answer to a question by the committee, said that at the time of the conversation alluded to he told Mr. McCarthy that he thought he was pursuing a wrong course in suing the Board of Trustees for his salary.

Q.—What reply did he make? A.—He said that if I had as large a family as his, I would do the same. [Laughter.]

The court decided that the evidence under this, the fifth charge, was inadmissible and incompetent, and it was stricken out. Mr. Sweetser looked somewhat disappointed at this, and the defendant appeared correspondingly elated.

The sixth charge was then taken up, namely, that the defendant had said "that the Universalist Church was ecclesiastically an utter failure." After some discussion in regard to this and the succeeding charges, a recess was taken until evening.

At the evening session Mr. Sweetser took the stand, and Mr. McCarthy for more than an hour tried to elicit straightforward answers from him, but with very little success. When requested to give the sources of the information upon which his charges were based, Mr. Sweetser declined to answer. He also refused to say in what respect the acts alleged against the defendant were "immoral or unministerial." When on the stand he had repeatedly

characterized the conduct of the defendant by those terms. The court ruled in his favor on almost every point, against the continued protests of Mr. McCarthy and his counsel. Some lively legal sparring followed in regard to the status of the newspaper report on which the first charge was based. The committee ruled that it had been put in evidence by Mr. Sweetser, and yet would not allow the defense to cross-examine him upon it, and when pushed to say whether the document had ever been legally admitted, defined their position by saying "that they held it in evidence for identification." Mr. Sweetser was forced to admit that he had no personal knowledge that it was authentic, or that it represented the real sentiments of Mr. McCarthy.

Mr. Sweetser then read his eighth charge against the defendant, that of falsehood in stating that he had been called to a charge in Nashua, N.H., when no such call had been tendered him. To prove this he called Mr. Robert F. Smith, the gentleman whose financial standing, alleged heretical views, and connection with the Custom-house were touched upon in Wednesday's evidence. Mr. Smith gave his answers in a clear, firm and straightforward manner, in strong contrast to Mr. Sweetser's evasive replies. His evidence mainly went to show that Mr. McCarthy had made a statement somewhat similar to the one mentioned in the charge, a fact which the defense did not deny. Before leaving the stand Mr. Smith asked leave to make a personal explanation, but Mr. McCarthy objecting, it was postponed to a later period in the trial. During the discussion regarding the admissibility of his evidence, Mr. McCarthy retorted upon his prosecutor by calling him "the man with a white liver," an epithet which called forth loud applause and equally loud hisses. A burly bystander on the outskirts of the crowd wanted to have Mr. McCarthy "put out," and a number of ladies in Mr. Sweetser's interest glared at the defendant in a decidedly unchristianlike manner. Corroborative testimony in regard to the eighth charge was given by Mrs. Hall and Mrs. Willard, after which the court adjourned until 10 o'clock this morning.

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