

[Third Universalist Society, New York City]

CLOSE OF THE M'CARTHY TRIAL  
CONCLUSION OF THE TESTIMONY IN THE CASE—SUMMING UP ON BOTH SIDES—  
SCENES IN THE BLEECKER-STREET CHURCH—AN INTERCHANGE OF  
UNPARLIAMENTARY LANGUAGE—DECISION IN THE CASE RESERVED

The concluding day of the celebrated McCarthy-Sweetser trial drew a large crowd to the Third Universalist Church, on Bleecker-street, yesterday. The day session was opened by Mr. McCarthy calling attention to an article which appeared in an afternoon journal on Tuesday, purporting to be an interview with the witness Pettit, of Albany, who charged the defendant with squandering \$60 of the church's money in canary birds, parrots and other portable property. Mr. McCarthy stated that he had witnesses to prove that this brother from Albany was of blasphemous proclivities, and had spoken of him [the defendant] in this court-room as "a \_\_\_ liar." Legal proceedings, he said, would be instituted against the paper in question, and he cautioned the members of the court against allowing their minds to be prejudiced by his statement. Mr. Sweetser said that he wanted, as a favor, to ask Mr. McCarthy a question that he had not asked him last night. Permission being granted, the prosecutor asked leave to make public a letter which was at present held by a Mr. G. Alston Ayres, of Albany, and who refused to furnish it without the defendant's consent. Mr. Sweetser added that he wanted to prove that Mr. McCarthy had not intended, as he claimed, to ask for the admission of his church into the Universalist denomination.

Mr. McCarthy—I cannot trust a man who has gone prying and sneaking into my grocery and lager-beer bills to get evidence against me. [Loud laughter and applause, which was repressed by the court.]

Mr. Sweetser next asked permission to reopen the case on the ninth charge—that the defendant had neglected to pay his debts in this City and elsewhere.

Mr. Shook—Now for some more of this ox-tail soup business. [Laughter.]

Mr. Sweetser said that he wished to prove that Mr. McCarthy on leaving Albany had received \$900 on the express condition that he should pay his debts with it, and that he had used the money for other purposes.

The defendant explained that he had only received \$300 at the time in question, and that there never was any such understanding as to the disposition of it.

The court finally refused to admit the evidence, whereas Mr. Sweetser looked indignant and demanded to know its reasons for refusing.

Chairman Saxe—We have not time to explain our reasons, Sir. Go on with your case.

The prosecutor called himself as the next witness, and stated that he had never used the words, "I will fight this thing out to the bitter end," either to Mr. Millen or to anybody else; he did not mean to accuse the witness on the other side of lying deliberately, but he had either done this or was afflicted with a very poor memory. Mr. McCarthy subjected the witness to a merciless cross-examination on the point, and finally elicited the fact that, while Mr. Sweetser didn't remember what he did say, he had a most distinct recollection of what he didn't say. The prosecution then asked that, before the case was closed, Messrs. Smith and McAdam, who had been accused of uttering infidel sentiments, be allowed an opportunity of denying it on the stand. Mr. McAdam was discovered to be absent in Philadelphia, and Mr. Smith, being present, was called as a witness. He denied that he had made the infidel statements attributed to him by the witnesses for the defense, and he was then turned over to the tender mercies of the bold defendant. The scene which followed beggars description. A war of words broke out between the witness, the counsel, and the committee, which at several points threatened to culminate in actual hostilities. Chairman Saxe rapped vigorously for order, but the enthusiasm of the audience was up, and they applauded and hissed their respective champion in the most enthusiastic manner. In the course of the cross-examination Mr. Smith admitted that he had said that he did not believe in the actual resurrection of Christ's body—he believed in a spiritual resurrection, although he found some difficulty in defining what he meant by it. The excitement culminated when the witness, on being allowed to make a personal explanation, rose and asked the defendant to account for having asked a certain witness on cross-examination, "whether he [Smith] was not a bankrupt?" "If Mr. McCarthy," added the witness, "means by that question to impute that I was a bankrupt, or means it to be considered as a statement that I was a bankrupt, I wish to here publicly brand him as a liar!" This exposition was followed by loud hisses and cries of "Shame!" "Put him out!" &c., in the midst of which Mr. Smith turned on his heel and walked away with an air of indifference. McCarthy called the court's attention to the extraordinary behavior of the witness in first stating that he had merely uttered the obnoxious idea in the form of a question, and in the next breath branding him as a "liar" for making it as a "statement." He had never stated that Mr. Smith was a bankrupt, and he submitted that the latter's conduct justly forfeited any claim he might have to the confidence of the court. The evidence all being in, the committee pronounced the case closed as far as the testimony was concerned.

"Hallelujah," said Mr. McCarthy.

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Col. Allen informed the reverend litigants that both sides would be allowed two hours and no more for summing up, after which an adjournment was had until 7 p.m.

The evening session was chiefly occupied by the concluding arguments for the defense and prosecution. Mr. Shook humorously referred to the reverend prosecutor's countenance as "a good advertisement for vinegar bitters," and Mr. Sweetser retorted by calling Mr. Shook a "blackguard." This epithet aroused the indignation of the audience, and hisses and cries of "Shame" were heard on all sides. Mr. Sweetser also charged Rev. John Cowan, one of Mr. McCarthy's friends and an ex-Chaplain in the Army of the Potomac, with "stealing a pair of boots," an assertion which called forth a similar demonstration. The court announced that for the present it reserved its decision. Mr. McCarthy, during the evening, was the recipient of several rich floral tributes from anonymous admirers, and at the close held an informal levee, which was only cut short by the Sweetser party threatening to turn off the gas.

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Transcribed on 29 Sep 2009 by Karen E. Dau of Rochester, NY