

Ronald D. Patkus, "Conflict in the Church and the City: The Problem of Catholic Parish Government in Boston" *Historical Journal of Massachusetts* Volume 29, No. 1 (Winter 2001).

Published by: Institute for Massachusetts Studies and Westfield State University

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Editor, *Historical Journal of Massachusetts*
c/o Westfield State University
577 Western Ave. Westfield MA 01086



**Conflict in the Church and the City: The Problem of Catholic
Parish Government in Boston, 1790-1865**

By

Ronald D. Patkus, Ph.D.

On February 20, 1842, Catholics living in Boston's North End gathered together in the afternoon for vespers at St. Mary's Church. In keeping with the custom of the time, the parishioners had heard Mass earlier that Sunday morning, and were attending the later services to complete their devotions for the day. At the appointed time co-pastor Rev. Thomas J. O'Flaherty took up the prayer book and began to read from it. The priest did not get far, however, before sensing a disturbance. Throughout the congregation he heard hissing, scraping of feet, and then shouting. The commotion escalated, and a number of parishioners cried out "Down, down with him! Down with the tyrant!" Father O'Flaherty and Rev. John Fitzpatrick, then serving as co-pastor, tried to restore order, but to no avail. As a last resort they called in the city police, and declared the service to be at an end. Eventually eighteen men were arrested for rioting that day.¹

During the years leading up to the Civil War a number of episodes similar to the one at St. Mary's occurred in and around Boston. Indeed, in the weeks surrounding the North End riot, Catholics made three

¹ A brief summary of the disturbance is given in Robert H. Lord, John E. Sexton, and Edward T. Harrington, *History of the Archdiocese of Boston* (3 vols., New York: Sheed and Ward, 1944), Vol. 2, p. 304. This scene is also described in the *Bishop's Journal*, Archives, Archdiocese of Boston (hereafter AABo). For newspaper accounts see *The Morning Post*, February 23, 1842.

protests in the region. In Salem, parishioners formed a committee and announced their intention to shut their pastor out of the church and expel him from his office. In Taunton parishioners called a meeting to protest the appointment of a certain priest to their parish. And in Providence, Rhode Island, Catholics of one church wrote to Bishop Benedict Fenwick, head of the diocese, and complained about a priest recently appointed to serve them -- later a lay committee actually seized possession of the church and other property in protest.²

Despite the prevalence of occurrences such as these we are largely unfamiliar with them and consequently unaware of their historical significance. Our understanding of the period has been shaped by the work of historians who have focused on anti-Catholicism especially as seen in episodes like the burning of the Ursuline convent in Charlestown in 1834, and the riot between Yankee firemen and Irish funeral marchers in Broad Street in 1837.³ Conflict *within* the Catholic community, however, has not received much attention. In fact, the few historians who have discussed the problem of parish government in the region have categorized lay activists as “obnoxious” and “scandalous.”⁴

This article offers a new interpretation of these events by arguing that more than anything else they reveal opposing attitudes toward lay participation in parish affairs. It focuses on the city of Boston alone, since the history of the topic there is sufficiently rich to reveal all of the issues that surfaced in the region and throughout the United States. As shall be seen, the Boston example both converges with and departs from the experience of Catholics in other areas. The article will first examine Catholic parish government from about 1790 to 1825, when cooperation between clergy and laity was the norm. The focus, however, is on the period from 1825 to 1845, when conflict regularly appeared as the principals involved in parish government were guided by different values. Difficulties continued beyond this date, but slowly authoritarian

² These occurrences are described in the *Bishop's Journal*, January 17, February 24, and February 25, 1842.

³ The best general introduction to anti-Catholicism in this period is still Ray Allen Billington, *The Protestant Crusade, 1800-1860: A Study of the Origins of American Nativism* (New York: Macmillan Company, 1938).

⁴ Lord, et al., *History of the Archdiocese*, Vol. 2, pp. 301-309.

views of church government became more broadly accepted, so that during the last decades of the century a measure of tranquility took hold. The gradual change in this area was part of a broader transition experienced by the Catholic community in Boston in the early nineteenth century.⁵ A survey and analysis of Catholic parish government deepens our understanding of the Catholic community and its role within the larger society.

In the years following American independence, many episodes of conflict occurred in American Catholic communities over the question of parish administration. One of the earliest episodes took place in New York City during the late 1790s, when the four elected lay trustees -- who exercised control over many of the temporal affairs of the Catholic community -- sided with some Catholics, and not others, on the question of who should serve as pastor. Division in the community followed, and despite the resignation of one of the priests, relative harmony among the congregation was not restored until some time later.⁶ In later years other battles over administration occurred in such places as Philadelphia, Baltimore, Norfolk Charleston, and New Orleans. The debate in Philadelphia became especially well known not only in that city but throughout the United States. It centered on an argument between the trustee-elected rector of St. Mary's Cathedral -- William Hogan -- and the bishop of the diocese -- Henry Conwell -- over authority within the parish. The impasse led to Hogan's excommunication and an armed riot in which hundreds of people were injured. Pope Pius VII responded to the "Hogan schism" by issuing an apostolic brief forbidding trustees the right to appoint and remove pastors.⁷

What was happening in Boston's Catholic community during this period of difficulty over parish administration within the American Church? Some basic factors are apparent: Catholics had begun to record

⁵ For a fuller discussion of this topic see Ronald D. Patkus, "A Community in Transition: Boston Catholics, 1815-1845," (Ph.D. dissertation, Boston College, 1997).

⁶ Carey, *People, Priests, and Prelates*, pp. 7-16.

⁷ A description of the problems in Philadelphia can be found in Francis E. Tourscher, *The Hogan Schism and Trustee Troubles in St. Mary's Church, Philadelphia, 1820-1829* (Philadelphia: The Peter Reilly Company, 1930).

baptisms and marriages by 1789, and they dedicated their first church -- in honor of the Holy Cross -- in 1803. This church served as the one parish in the city until 1828. From the mid-1790s until 1818 two French priests -- John Cheverus and Francis Anthony Matignon -- served the congregation, the former being named bishop in 1808. In many ways all of the typical features of American Catholic parishes were present in Boston. Unlike other communities, however, Boston never experienced any major tension or conflict in the first decades of the nineteenth century. Why was this so? One reason may be that until about 1825 there existed in the cathedral parish a system of government in which clergy and laity both participated. The bishop was of course the ultimate source of authority at Holy Cross and throughout the diocese. He held the deeds to the parish in trust for the congregation and made final decisions about administrative matters. Father Matignon also played an important role in administration, being responsible for overseeing the financial affairs of the parish. For example, the priest maintained the parish accounts and regularly worked with those outside of the parish to obtain various services. Although the clergy held most of the power in the parish, they usually shared it with lay members of the congregation. The laity served as wardens, sat on committees, voted at special meetings, and provided ongoing support through financial contributions. Often it was the socially prominent members of the laity who took part in parish business, but to some extent all members of the community had a say in what transpired at Holy Cross cathedral.

The system of restricted participation of the laity in Boston Catholic affairs developed over the course of many years. When the church was first being organized in 1793, French parishioners submitted guidelines for parish government to Bishop John Carroll of Baltimore which clearly showed that they wanted to be involved in administration. In an attempt to end a division between themselves and the Irish, the French proposed that wardens be chosen by the congregation, that the wardens have sole direction of church properties and revenues, and that they have the lease signed over to them. Bishop Carroll questioned these proposals, but indicated that he was willing to accept them if the French parishioners saw no other way of getting along with their Irish counterparts. For the bishop, peace in the congregation was the prime concern.⁸

⁸ Lord, et al., *History of the Archdiocese*, Vol. 1, pp. 490-495.

By 1795 the ethnic division had ended, largely due to the efforts of Father Matignon, who had arrived as the new pastor. In that same year a set of parish articles were drawn up which guided the young community for many years into the next century. The articles provided for the annual election of three wardens by the congregation, one of whom would serve as treasurer; for the administration of pew rentals and sales by the wardens; for the procurement of suitable singers at Mass by the wardens; for the appointment of a clerk by the pastor; for keeping the church clean; for meetings between the wardens and the pastor each month; for special meetings of the entire congregation as needed; and for the placing of proposed amendments to the articles before the entire congregation.⁹ More evidence of a system of restricted lay involvement is provided in later years. In 1799 a special committee was formed to purchase land for, and build, the first Catholic Church. Seven laymen served on the committee and guided the project until its completion in 1803.¹⁰ At other times the entire congregation participated in decisions, such as whether to pay for a new organ acquired in 1806, and whether to pay traveling expenses for John Cheverus' Episcopal consecration in 1810.¹¹ To be sure, the laity did not have complete control of temporal matters, as did trustees in other American cities, but they were not passive either.

The eventual system of church administration in Boston came into being as a result of several factors, some of which supported clergy control and others which supported lay involvement. Both European and American experiences and ideas supported clergy control. The decrees of the Council of Trent (1545-1563) are noteworthy, since they stated in clear terms that "bishops alone were authorized to supervise all temporalities and appoint the clergy." The radical excesses of the French Revolution confirmed for many -- especially Cheverus and Matignon, who had fled France in the 1790s -- that only the clergy were qualified to

⁹ The Articles were recorded in the Holy Cross Account Book, 1, 59 AABo and are reprinted in Lord, et al., *History of the Archdiocese*, Vol. 1, pp. 504-507.

¹⁰ Holy Cross Account Book, I.

¹¹ *Ibid.*, March 23, 1805; Meeting of Members of the Parish, September 27, 1810, Cathedral of the Holy Cross Papers, AABo.

direct church affairs.¹² American experiences which moved some to favor clergy control also included the many episodes of conflict that had already occurred in Catholic communities in the United States. Clergy control was also upheld by the theory of the divine origin of the church. Because the church's authority ultimately derived from Christ, and included the supervision of temporal as well as spiritual affairs, the bishops were considered to have extensive, and sometimes exclusive powers in the Church. According to this point of view, trustees and other lay Catholics simply did not have a right to appoint pastors and otherwise administer local parishes.¹³

The early clergy and laity of Boston, however, were also familiar with experiences and ideas that supported lay involvement in the parish. A number of these experiences had European origins, and some were based on the same sources as those that supported clerical control. The Council of Trent, for instance, while attempting to regulate and restrict lay involvement, did simultaneously acknowledge such practices as election of pastors -- the *jus patronatus* -- by the laity.¹⁴ In early modern France, lay trustees, or *marguilliers*, often controlled church temporalities to a significant degree, and this system was transported to various cities in Canada and the United States from the seventeenth century onward.¹⁵ The European Enlightenment and the ideals of the French Revolution in the late eighteenth century certainly moved some to embrace the concept of broad popular participation in the church as well as in society. In England and Ireland, lay Catholics participated in the administration of parishes and in some cases even controlled them. European practices favoring lay involvement were supported to varying degrees by a number of intellectual reform campaigns, including ecclesiastical Gallicanism,

¹² Carey, *People, Priests, and Prelates*, pp. 17 -19.

¹³ *Ibid.*, pp. 206-208.

¹⁴ *Ibid.*, pp. 27-28.

¹⁵ *Ibid.*, pp. 63-66. For discussions of the *marguilliers* of Quebec, see Pierre Hurtubise, et al. *Le Laic Dans L'Eglise Canadienne-Francaise de 1830 a Nos Jours*. (Montreal: Fides, 1972): pp. 147-174, and Cornelius Jaenen, *The Role of the Church in New France*. (Toronto: McGraw-Hill Ryerson Limited, 1976): pp. 90-92.

which had emphasized since the seventeenth century the rights of local churches more than their connection with Rome.¹⁶

Lay involvement in church affairs was also supported by the unique circumstances of early American history. Of special note were Protestant religious influences. The first Puritans and their descendants, who settled in and around Boston, had established a “holy commonwealth”; their simple white churches dominated the landscape, and their values pervaded both public and private life. Congregationalism was established in Massachusetts until 1833, and through it lost much of its influence as other denominations emerged, Protestantism still dominated.¹⁷ In addition to Baptist, Anglican and other denominational churches, for example, there were by 1820 no less than 120 Unitarian parishes in eastern Massachusetts.¹⁸ The individual Protestant churches grew out of the Reformation and had similar systems of parish government.¹⁹ Members of local Congregational churches, for instance, were considered brothers and sisters, all equally able to contribute to parish concerns.²⁰

¹⁶ Carey, *People, Priests, and Prelates*, pp. 17 -21, 32-33.

¹⁷ A very dated but in some ways still useful description of the established Church can be found in Williston Walker, *A History of the Congregational Church in the United States* (New York: The Christian Literature Company, 1894). The influence of Congregationalism in Massachusetts is also described in Patrick Joseph Dignan, *A History of the Legal Incorporation of Catholic Church Property in the United States* (New York: P.J. Kennedy & Sons, 1935), pp. 18-22, 61-64.

¹⁸ For the Episcopal Church in America, see Frederick V. Mills, *Bishop by Ballot: An Eighteenth Century Ecclesiastical Revolution* (New York: Oxford University Press, 1978). For Unitarianism, see Conrad Wright, ed., *A Stream of Light: A Short History of American Unitarianism* (Boston: Unitarian Universalist Association, 1975).

¹⁹ For Protestantism in general, see Martin Marty, *Protestantism in the United States: Righteous Empire* (New York: Charles Scribner's Sons, 1986); Winthrop S. Hudson, *American Protestantism* (Chicago: The University of Chicago Press, 1961); and Robert T. Handy, *A History of the Churches in the United States and Canada* (Oxford: Clarendon Press, 1976).

²⁰ Walker, *A History of the Congregational Church*, pp. 432-434.

Throughout the colonial period, those Catholics who came to Boston to live became familiar with Protestant theories of church government. Certainly they would have observed the system at close range, but what is more, we know that they actually took part in this same system in several significant ways. For many years, as required by law, they assisted in the financial support of Congregational ministers; legally they were connected to Protestantism.²¹ We also know that both prior to, and even after the arrival of resident priests in Boston, local Catholics attended the religious services of other denominations with a natural preference for those of the Episcopal Church.²² Many Catholics either had their marriages performed in Protestant churches or intermarried with Protestant families outright, as was the case with Patrick Campbell, a future warden of Holy Cross Church who was married in the Second Baptist Church.²³

Closely connected to American religious influences was the surrounding political culture. During the first years of its existence the small community found itself in the midst of a republic -- not a monarchy -- and this surrounding political culture played a part in the early formation of the Catholic community. The revolution had been fought to preserve certain liberties and to establish a new form of government, the advantages of which were regularly praised. In the young states there was a concern for both civil and religious freedom. Americans governed themselves politically and wanted to do so religiously as well. Separation of church and state and voluntarism combined to form a powerful ethic of religious responsibility in the young Republic. Like all citizens, the small number of Catholics imbibed this democratic ideology and made it part of their accepted understanding of freedom in a new country.²⁴

²¹ Dignan, *A History of the Legal Incorporation of Catholic Church Property*, pp. 61-64.

²² Lord, et al., *History of the Archdiocese*, Vol. 1, pp. 440-441.

²³ *Ibid.*, vol. 1, pp. 343, 356-357, and James Fitton, *Sketches of the Establishment of the Church in New England* (Boston: Patrick Donahoe, 1872), p. 20.

²⁴ Carey, *People, Priests, and Prelates*, pp. 39-57.

Though various experiences and ideas influenced the development of parish government in early Catholic Boston, we can not ignore the importance of still other factors. The same combination of influences in Boston were present in other Catholic communities, but they often led to tension or conflict. Why did Boston enjoy a period of extended calm in the early nineteenth century? Part of the reason would seem to be in the harmonious relations that generally existed between the clergy and the laity. The personal connections within the small community very likely created an acceptance by the entire community of the pattern of clergy control with some lay participation. Bishop Cheverus' acceptance of lay involvement in church affairs grew after 1818, the year of Father Matignon's death. The bishop appointed a committee of seven laymen to run the temporal affairs of the Cathedral parish, a task that had largely been filled by Matignon during his lifetime. Thus between 1818 and 1825 these laymen, elected by the congregation, acquired additional administrative powers.²⁵ Cheverus remained suspicious of radical forms of trusteeism, and even criticized its famous proponents, but in his own small community he allowed a substantial degree of lay participation.²⁶

Toward the end of his tenure in Boston, which lasted until 1823, Bishop Cheverus relied more and more upon Father Taylor, an Irish convert-priest who had come to Boston some years earlier. Like others of his generation Taylor had been reared in an ecclesiastical setting in Ireland which featured strong Gallican tendencies. Taylor's sympathy with the rights of the local church and his belief in the importance of lay participation in parish government were manifest before coming to Boston, he had become involved in a dispute over trusteeism in New York at St. Peter's parish, even to the point of serving as the representative of one faction and carrying their complaints directly to the

²⁵ The founding of the committee is explained under date of January 2, 1826, in the *Bishop's Journal*, AABo.

²⁶ Cheverus' opposition to William Hogan, the schismatic priest from Philadelphia, is made clear in "An Answer to a letter from Dr. Chevereux [sic] of Boston, and communicated to the public by Dr. Conwell": Philadelphia? : s.n., 1821. The bishop was also concerned about trusteeism in other areas, like Norfolk, VA: see Lord, et al., *History of the Archdiocese*, Vol. 1, p. 788.

Vatican.²⁷ As a young priest he had also forged a friendship in America with another Irish Catholic churchman, namely John England, Bishop of Charleston and the architect of a diocesan system of administration which allowed greater participation of the laity in church affairs. Taylor's sympathy with lay participation in Boston was evident from his administrative practices. When Bishop Cheverus returned to his native France, Taylor served as Vicar General for the diocese. During his two year tenure in this leadership position, he continued the tradition of the lay committee at Holy Cross and endeared himself to the parish. He also became well respected by the non-Catholics in the city. Indeed, many thought this republican-minded priest would succeed Cheverus as Bishop of Boston.²⁸

In 1825, the Catholic community in Boston was still relatively small, numbering around 5,000. During the next twenty years, however, the population would grow substantially largely due to the influx of immigrants from Ireland. By 1845, the total Catholic population was estimated to be about 30,000 and the number of churches in the city had risen to nine.²⁹ As the community grew physically, it changed in many ways. The years leading up to mid-century featured both growth and adjustment. At times internal conflict became an unfortunate aspect of Boston Catholic life. During this period the system of parish administration in Boston and surrounding towns was similar to the one that had existed during the Cheverus years. The bishop was still the ultimate source of authority, as seen by the fact that he held deeds to the property of most churches and continued to appoint priests to various locations. For their part, the priests maintained a prominent place in the government of local parishes as instructed by the bishop, and kept the

²⁷ For a review of this affair, see Peter Guilday, "Trusteeism in New York (1815-1821)," *Historical Records and Studies* 18 (March 1918): 7-73.

²⁸ Taylor's background and relationship with both Cheverus and England is described in Lord, et.al., *History of the Archdiocese*, Vol. 1, pp. 792-796. For more on England, his policies, and the influence of Irish Gallicanism, see Patrick W. Carey, *An Immigrant Bishop: John England's Adaptation of Irish Catholicism to American Republicanism* (New York: US Catholic Historical Society, 1982).

²⁹ Statistics are provided in Lord, et al, *History of the Archdiocese*, Vol. 2, p. 126.

church accounts and otherwise controlled finances.³⁰ In a number of places in the diocese, the laity served as trustees and sat on other parish committees. At times they came together in groups to make known their opinions on various issues and, to a considerable extent, they were expected to donate funds and support their parish financially.

In most Boston parishes, the system of administration functioned without much disturbance as it had in the early years at the church of the Holy Cross. There were, however, several notable exceptions to this rule. Conflict initially could surface over a variety of issues such as fundraising, appointment of pastors and perceived episcopal abuses. Particularly important, though, is the development of intense factionalism over these administrative issues both within parishes and between parishes and the bishop. A major difficulty was that the laity continued to promote its right to participate in parish affairs while the new bishop, Benedict J. Fenwick, almost always opposed this kind of action. A movement toward clergy control emerged which, among other things, contributed to a distinctive Catholic culture in Boston.

Bishop Fenwick's opinions of parish government developed over the course of many years. As a young man he had been trained by the Jesuits at Georgetown and in 1808, he joined the Society of Jesus. Known throughout the world for their ultramontane views that fiercely defended the interests of the papacy, the Jesuits did not support the arguments for local control contained in Gallicanism and other reform-minded philosophies. Fenwick had also observed at close range the difficulties that could arise from lay participation. Of special note was his work in Charleston, South Carolina from 1818 to 1822. The Archbishop of Baltimore, Ambrose Marechal, sent Fenwick to that southern city for the specific purpose of putting an end to a schism which had developed there since 1815 when certain priests and members of the congregation began a dispute with the bishop over the appointment of a pastor. The rebellious faction had even contemplated the possibility of establishing an Independent Catholic Church, in union with the Jansenist Church of Utrecht. Soon after his arrival Fenwick presented the strong terms of Marechal, and by 1820, when he was made Vicar General, he had helped bring a certain degree of unity to the congregation. But Fenwick's strict approach had only limited success. The trustees

³⁰ See letter of Bishop Fenwick to Rev. Mssrs. Wiley and O'Beirne, October 20, 1836, in Historical Manuscripts Collection, AABo.

continued to agitate and it took the creative and more democratic efforts of the first bishop of Charleston, John England, to address fully their desire for greater control.³¹ The Charleston experience confirmed Fenwick in his position toward Church government: the bishop possessed ultimate control, and lay participation, though common in many parishes, had to be checked.

In Boston, problems arose almost immediately after Fenwick's arrival. Early in 1826 members of the Cathedral congregation presented themselves to the bishop and expressed their dissatisfaction with the members of the lay committee which had been established by Bishop Cheverus and continued by Father Taylor for the purpose of overseeing parish finances. These parishioners wanted a new election. From the first, Fenwick feared that the excitement over this issue might lead to the kind of trustee problems that had taken place in other parts of the American Church. He delayed deciding on the matter for some months but in June agreed to hold a new election which resulted in the formation of another committee. Fenwick resolved that voting of this kind would never take place again. He believed the only way to avoid what he considered to be lay intrusion was to limit the occasions when parishioners could vote or otherwise exercise some say in the administration of the parish.³²

Before long a new dispute arose at the Cathedral. In various ways the new committee had become unpopular, and during the summer of 1827 a tense situation emerged. Following the enlargement of the Cathedral the committee met on August 30 to adopt regulations for the selling and renting of pews. The main provision was that owners could move closer to the altar and thus obtain better pews as long as they paid the difference in valuation between the old pews and the new ones. But many owners found this an unjust stipulation and they wanted to maintain their places without additional charge. They gathered together and brought their concerns to the bishop directly. Fenwick defended the regulations proposed by the committee and when asked to relent for the sake of peace, Fenwick replied that an unjust solution would very likely

³¹ Fenwick's work in Charleston is related in some detail in Peter Guilday, *The Life and Times of John England, First Bishop of Charleston* (New York: The American Press, 1927, 2 vols.). See especially Vol. 1, pp. 241-341.

³² The series of events is recorded in the *Bishop's Journal*, January - June, 1826.

not lead to harmony in the congregation.³³ A “great “stir” ensued in Boston. In his diary Fenwick noted that “groups of people are seen at every corner of the streets talking vociferously & uttering terrible threats.”³⁴ Some proposed a suit against Fenwick; others wanted simply to leave the Church. Like their fellow Catholics in Charleston of some years earlier, a few even suggested the building of an independent church which would function with its own clergy apart from the bishop. Meetings were held concerning this option and representatives conveyed the schismatic plans to Fenwick. He returned to his position and held to it tenaciously, even to the point of expressing serious doubts about the practice of “admitting lay members of the church to any participation in the government of even the temporals of the church.”³⁵ These plans failed to materialize, however, and by early October most of the pew owners agreed to the regulations. Once again it seemed as if Fenwick had restored peace by holding to a strong position.

Fenwick’s style of governing was supported by his episcopal colleagues, as seen in their work at the First Provincial Council in Baltimore in 1829. The bishops were especially concerned about the tenure of church property, the role of priests who supported lay attempts at greater control and the right to appoint pastors. Despite the advice of Catholic lawyers and the advocacy of Bishop England, the bishops issued decrees which came out firmly against efforts to involve the laity in parish government. They declared that bishops should hold the deeds to church property and that the right of selecting pastors, claimed by some trustees, was illegal. In a very real way the Council was a watershed in American Catholic history, for it played no small part in conveying a new and more central concept of Church. Broadly speaking, after 1829 control over parish government rested less and less with the laity.³⁶

³³ Again the best source is the *Bishop’s Journal*, September - October, 1827.

³⁴ *Bishop’s Journal*, Sept. 13, 1827.

³⁵ *Bishop’s Journal*, Sept. 18, 1827.

³⁶ Dignan, *A History of the Legal Incorporation of Catholic Church Property*, pp. 141-148. For a summary of the Conciliar Legislation of Baltimore, see Peter Guilday, *A History of the Councils of Baltimore (1791-1884)* (New York: Macmillan Company, 1932).

Bishop Fenwick helped shape the Baltimore decrees, but in Boston the tensions over parish government persisted. The focus of the next episode of conflict was the German community. Most of the German immigrants had come from northwestern German territories, but others came from the south and other regions.³⁷ Dissension reigned between northern and southern Germans from the very beginning. When Fenwick called the entire group together in 1837 to determine whether it wanted its own priest, he made sure to point out in no uncertain terms the great harm division could bring to any community.³⁸ As the prospect of supporting their own priest and building their own church became more real the Germans naturally imagined that parish life would be similar to the one they had experienced back home. Just as the French members of the Holy Cross Parish understood and recalled the marguillier system so too did the Germans draw upon their own unique European Catholic traditions.³⁹ In 1840, a committee of seven men was appointed to raise funds for the purchase of land, and a committee of nine oversaw the construction of the church building. When the success of the project was threatened because of the collapse of the tower, another committee of three went from door to door to raise additional funds. Throughout these years of steady lay involvement, however, dissension within the group continued. Some parishioners opposed the expenditures for building and even cheered when the tower fell. Even after the dedication of Holy Trinity Church and the election of lay trustees, arguments over finances persisted. A later controversy concerned the proposed erection of a parish rectory. Again, the people divided over the cost for the project.

³⁷ Sauer, Robert, *Holy Trinity German Church* (Boston, 1993).

³⁸ Fenwick to German Catholics of Boston, November 26, 1837, *Fenwick Papers*, AABO.

³⁹ The tradition of lay management and control of temporalities exerted an especially strong influence in precisely the same regions from which many of the Boston German Catholics had come. Particularly along the Rhine in the years following the French Revolution, the Church had become largely subordinate to the State, with lay rulers participating in the selection of pastors and regulating other administrative affairs. Various German congregations in the United States defended trusteeism by referring to practices they had known in regions of Germany. See Carey, *People, Priests, and Prelates*, pp. 29-31.

Factions developed and no priest appointed to the parish -- though all were German -- was able to bring peace.⁴⁰

The next controversy in Boston, centered at St. Mary's in the North End, was in many ways the most disturbing. The parish had been founded in 1834, mainly for Irish immigrants who were settling into this neighborhood in increasing numbers, and since 1840 Patrick O'Beirne and Thomas J. O'Flaherty had served these people as co-pastors. By 1841 parishioners had divided into two camps, each supporting only one of the priests. To some extent this division was traceable to the fact that O'Flaherty advocated temperance and repeal of Ireland's union with Great Britain. The more important explanation, however, concerned the role of the laity in the life of the parish. O'Flaherty, who was actually known as "the second England" -- in reference to the democratic-minded Irish bishop of Charleston -- led a group which supported greater lay involvement.⁴¹

By the first days of January, 1842 the division had become so severe that Bishop Fenwick feared an outbreak of violence. In an attempt to restore harmony, he visited St. Mary's on January 9 and at the High Mass preached an hour-long sermon on obedience.⁴² He also warned that mass meetings of protest could result in excommunication, but to no avail. On the evening of January 13, a large group of Catholics sympathetic to O'Flaherty and distrustful of the bishop gathered to voice their concerns. The proposed meeting was cut short, however, when members of the opposing party disrupted the opening address and a mob situation arose that required the police to restore order.⁴³ In response to this episode of discord, Fenwick wrote a letter to the parishioners in which he invited them to assemble on January 16 so that he might

⁴⁰ A detailed view of affairs at Holy Trinity is provided in *Geschichte der Deutschen Katholischen Hl. Dreifaltigkeits - Gemeinde in Boston, Mass.* (Boston: Carl Heinzemann, 1894).

⁴¹ A summary of the problems at St. Mary's is given in Lord, et al., Vol. II, pp. 301-309. The comparison of O'Flaherty with England is mentioned in *Ibid.*, p. 267.

⁴² *Bishop's Journal*, January 9, 1842.

⁴³ See the January 15 issues of *The Daily Mail* and *The Mercantile Journal* for a report.

ascertain their wishes. Again a meeting began but did not proceed very far before a number of people, principally members of other parishes, interrupted the proceedings and forced an adjournment because of the threat of riot. Fenwick next tried to bring peace by recalling the two priests and ordering them to become reconciled publicly. This they did before the entire congregation on January 23. Shortly thereafter, O'Beirne requested and received from the bishop a transfer to another parish.⁴⁴

Neither the reconciliation nor the transfer of O'Beirne to Providence brought harmony. In fact, O'Beirne's removal only succeeded in alienating the party that had been most sympathetic to Fenwick. Four hundred petitioners demanded O'Beirne's return.⁴⁵ As in previous situations, Fenwick held to his position, an action which further incensed the petitioners and precipitated the great riot of Sunday, February 20, during the Vespers Service presided over by Father O'Flaherty. While city officials prosecuted those who had been arrested, Fenwick placed the church under interdict, effectively closing it for two weeks. In the meantime the parishioners in Providence expressed their displeasure at the appearance of O'Beirne in terms which Fenwick called "insolent," and "anti-Catholic." As a result, in early March the bishop reassigned all priests involved in these troubled parishes. Still the dissension continued. Backers of O'Flaherty agitated for his return and gathered no less than thirty-three hundred signatures from both St. Mary's and the Cathedral in support of their efforts. Fenwick acknowledged the petitioners but did not grant any of their requests. Before long, a loyal following developed around O'Flaherty, as seen in the special train rides which were organized to Salem where the priest now resided.⁴⁶

The broad, city-wide support for the rebel priest, Father O'Flaherty, revealed concern for issues relating to lay participation and episcopal authority. The specifics of this concern were expressed eloquently in a series of articles written by Maurice O'Connell, a parishioner of St. Mary's, for Boston's *The Daily Mail* between April and June 1842. An outspoken supporter of lay participation, O'Connell criticized the policies of Fenwick in no unclear terms. In his first article, he lamented

⁴⁴ *Bishop's Journal*, January 16-22, 1842.

⁴⁵ *Ibid.*, February 16, 1842.

⁴⁶ Lord, et al., *History of the Archdiocese*, Vol. 2, pp. 305-306.

the fact that parishioners had no say in the selection of their pastor; that they obediently donated money to the church but often could not find a seat in it during services; that they could not participate in the fiscal management of the parish; and that, in sermons, they were threatened with excommunication if they disobeyed. These were the statements of classic trusteeism as it existed in the American church and they showed the influence of living in a still-young republic. But O'Connell also pointed out that the Irish "imbibed everything Catholic" in the land of their birth; that they could oppose the bishop and still follow their religion in good conscience. Such references indicate a familiarity with lay participation in Ireland.⁴⁷ In any case, O'Connell developed these themes in later articles and the need for lay involvement with financial matters. He believed funds were mismanaged in the current system. He thought the selling and renting of pews was thoroughly un-Catholic and that elected board of lay trustees should control the temporal affairs of the local church:

Let only a majority bind themselves to pay their rents and taxes to a committee of trustees.... Thus you can regain your church, and if he who would threaten you with excommunication for attempting to do so, will follow out his threats, the consequences be on his own head, not on yours.⁴⁸

During the Fenwick years, the nature of parish conflict was multi-sided. For one thing, it took place continually in Boston and throughout the diocese. In addition, the conflicts were often divisive. Some Catholics threatened to leave the Church or create their own worshipping community. Some incidents were violent, and involved the larger society. How were the problems resolved? Catholics tried a variety of means to accomplish peace. Lay Catholics sometimes wrote letters or presented themselves directly to the bishop. On occasion they resorted to more extreme measures, such as public disturbances or outright violence.

The bishop also pursued several means of ensuring peace. On occasion, he tried to ignore the problem or to simply transfer priests to other parishes. Sometimes he submitted to lay concerns as when he directed that a "free church" -- St. Johns in the North End -- be opened in

⁴⁷ *The Daily Mail*, April 20, 1842.

⁴⁸ *Ibid.*, May 27, 1842.

1843 for the thousands of poor Irish who could not afford pews at St. Mary's. More often he resisted and resorted to spiritual reprimands like excommunication and interdict in dealing with the laity. He also called for the first diocesan synod in August 1842. The purpose of the synod was to examine the administrative practices within the diocese and to propose certain regulations for the future. Though lay Catholics attended the masses and opening ceremonies of the synod, only members of the clergy participated in the official meetings. The working sessions began on August 22 and continued for several days. During this time, the clergy reviewed the decrees that had been promulgated by the bishops in their four previous councils at Baltimore and appointed a committee to report on the finances and property holdings of all parishes. By the end of the week, twenty-two official statutes had been drawn up.⁴⁹ The statutes addressed concerns that had arisen as a result of the trustee problem. The synod declared that the bishop alone had authority to appoint and remove priests and that dissenting priests who supported trustees would be immediately suspended. One of the most important statutes -- reflecting the teaching of the Provincial Council of 1829 -- stipulated that title to all church property should be held by the bishop in trust for the congregation. The work of the special committee had determined that in fact most of the property in the diocese *was* held in the name of the bishop, but there had always been a certain vagueness on this issue because of the conflicting provisions of civil and canon law.⁵⁰ While the statute put forward by the synod helped to address this issue, it did not do so in a fully satisfying way.⁵¹ Through provisions such as

⁴⁹ The synod is briefly recounted in Lord, et al., *History of the Archdiocese*, Vol. 2, pp. 306-307. The statutes were later published as *Synodus Diocesano Bostoniensis I, habito anno 1842* (Boston, P. Donahue, [1842]). Committee records of the synod can be found in AABO.

⁵⁰ According to canon law, the diocese owned property, while the bishop administered it. Civil law, on the other hand, recognized the ability of the bishop and others to own only personal property. This meant that parishes and other church establishments were not recognized by civil law. The tensions between civil law and canon law are mentioned in Dignan, pp. 46-52.

⁵¹ At the end of his life, Fenwick was forced to execute a will which laboriously transferred ownership of each of more than 50 properties to his successor, again often "in trust." This seemed to be the only method of keeping property under the control of the bishop without assigning it to him as a private person, which

these the synod attempted to ensure that the local church would be governed in accordance with the views of the American bishops. The system of parish administration, as in other American cities, had moved toward a pattern of much tighter clerical control.

In 1846, John B. Fitzpatrick succeeded Fenwick as Bishop of Boston. During the twenty years that Fitzpatrick headed the diocese, the Catholic community grew at a remarkable rate and solidified its Irish identity.⁵² The sense of community developed as a result of several factors including: the great Irish Famine which brought many immigrants to Boston; the attacks of the Know-Nothing party in the 1850s and eventual participation in the Civil War on the Union side. Conflict over parish government continued to surface occasionally. Fitzpatrick had been involved in efforts to ease tensions at St. Mary's and his views of parish government were largely similar to those held by Fenwick. Both in Boston and elsewhere, episodes occurred which showed that this question had not been laid to rest entirely. More and more the system of clergy control took root, and Catholic distinctiveness in this area became accepted.

During the late 1840s, some of the most intense examples of tension took place outside of Boston. During Fenwick's last years troubles arose in Waltham over a proposal to build a rectory for St. Mary's Church; many laymen opposed the idea and the parish split into two factions. The dispute worsened under Fitzpatrick, eventually resulting in a full-scale riot, and later, the actual burning of the church; Other issues such as the priest's salary and the management of pew rents, emerged, and difficulties continued for several years. In Worcester Catholic railroad workers organized into secret societies, which sought a greater role in the administration of church affairs and even resorted to threats of violence. The societies were denounced by the local pastor, Matthew Gibson (who some called a Saxon tyrant) and Bishop Fitzpatrick.⁵³

would have raised the possibility of outright loss. Fenwick's will is preserved among the *Fenwick Papers*, AABO.

⁵² See Thomas H. O'Connor, *Fitzpatrick's Boston, 1846-1866* (Boston: Northeastern University Press, 1984) for a full treatment of these years.

⁵³ The difficulties in Waltham and Worcester are discussed in Lord, et al. *History of the Archdiocese*, Vol. 2, pp. 414-419.

Boston was not without its own disturbances during this period. Difficulties became especially acute at the German parish. In 1846 Alexander Martini was assigned to the parish as pastor. He tried to reconcile the North and South Germans, but with little success. Fitzpatrick, who had been familiar with previous problems at Holy Trinity, threatened to close the church. In 1848, Martini resigned. For two months, the church actually was closed and the keys were entrusted to a lay committee. In August, the Jesuits took charge of the parish, and a period of greater stability ensued.⁵⁴ Much of this stability occurred on the parishioners. However, the fact was that the parish continued to operate with elected trustees who had land deeded to them and otherwise exercised substantial authority in church matters.⁵⁵ South Boston also experienced a brief but noteworthy incident in 1853. The parish of SS. Peter and Paul had become large and included several missions. The pastor, Terence Fitzsimmons, had endeared himself to the congregation but he also mismanaged funds. As a result, Fitzpatrick removed him from the parish. The parishioners, who were never apprised of the reasons for the dismissal, disrupted Mass on April 17 when they learned the news from the new pastor. South Boston “fairly seethed with excitement.” Later a committee of 14 laymen was organized which went to the bishop and requested an explanation of recent events. Although Fitzpatrick refused to discuss details, the party departed after promising to refrain from further agitation.⁵⁶ The bishop continued to worry for some weeks, because he felt that Fitzsimmons was capable of becoming “another Hogan,” another leader of church schism.⁵⁷

Up until this time, lay Catholics in the diocese had made their concerns and frustrations known primarily by forming factions and confronting enemies within the church. On occasion, however, such

⁵⁴ *Geschichte der Deutschen*, pp. 20-21.

⁵⁵ Early deeds of the parish are preserved in the Jesuit Provincial Archives at Holy Cross College.

⁵⁶ Lord, et al, *History of the Archdiocese*, Vol. 2, pp. 417-418. The disturbance was noted in the April 18, 1853 edition of the *Boston Post*.

⁵⁷ Fitzpatrick to Fitzsimmons, April 26, 1853 (copy in Lord, Sexton, and Harrington Research Files, AABO).

actions involved the larger community, as seen when police were called in when trials took place and when newspapers reported local disturbances and opinions. By the middle of the Fitzpatrick era, groups of laity were ready to fight for their goals through civic channels. In 1855 petitions were presented to the Massachusetts legislature from Fall River, Lowell and Boston, all concerning the holding of church property. The petitions sought an Act which would grant to the laity, to those who had “contributed towards erecting and supporting churches,” a “voice in managing and controlling the same.”⁵⁸ The petition from Boston was similar to those from the other towns and cities. It was signed by 67 men, most of whom -- judging from Irish surnames -- were probably Catholic. The petition objected to the Catholic system of holding property which vested ownership in one individual (the bishop) and forced parishioners to comply under “fear of excommunication” and “other like dreadful spiritual terrors.” Such a system, the petition argued, was clearly “dangerous to Republicanism.” It also compelled Catholics “silently to submit to acts of grievous oppression and extortion.” The petition concluded with a request for a new law which would vest the property of each parish in the hands of an elected committee of trustees.⁵⁹

At the time the petition was presented, the legislature was greatly influenced by the Know-Nothing Party.⁶⁰ Those who upheld party beliefs found the 1855 petitions perfectly logical and consistent with American values. The petition was forwarded to the Committee on Parishes and Religious Societies and the bill easily passed. The provisions of the new law were far-reaching -- title to all parish property had to be vested in the parish. This stipulation stood in complete opposition to the views of the American bishops as expressed in the documents of the provincial councils and particularly overturned the decrees of the 1842 diocesan synod.

At first Bishop Fitzpatrick offered no public opposition to the law. By 1860 when the statutes were revised, the law was simply dropped from the books. An important precedent had been set though. Questions

⁵⁸ *Acts, 1855*, Chapter 314, in Massachusetts Archives (hereafter MA).

⁵⁹ Petition of P.F. Slone and 66 others of Boston, House Documents, MA.

⁶⁰ A discussion of the rise of the Know-Nothing Party is provided in Billington, *Protestant Crusade*.

pertaining to parish government were brought into the public forum. In some sense, the laity simply followed a course of action which had been encouraged by Fitzpatrick since throughout his episcopate, he reminded Catholics that the best way to deal with problems was to have recourse to civil law.⁶¹ Now the recommendation endangered the system of administration favored by the hierarchy. Rather than wait for the reappearance of the petition and the possibility of a more forceful implementation, Fitzpatrick acted.

Late in 1865, Fitzpatrick petitioned the legislature that a new bill be passed on church property. He requested that Catholic churches in Massachusetts be allowed “to assume corporate powers, with the same rights to hold property and estate which religious parishes know by law.” The petition further proposed that the corporate powers be vested not in a committee of laymen for the parish but in the bishop, the vicar-general, the pastor, and two laypersons. The laymen were to be appointed by a majority opinion of the clergy. In this way, the clergy would exercise control over the ownership of church property.⁶² Again the petition was forwarded to the Committee on Parishes and Religious Societies. In response, the committee drew up a lengthy report detailing its position. The report began by stating that Catholic congregations already were authorized to assume corporate powers but the current petition would place the powers, not in the congregation, but in the hierarchy. The report opposed this “superficial and specious” arrangement since it denied any real participation of the laity who financially supported the church. The proposed system of administration was “contrary to the very instincts of human nature.” Ultimately, the petition was defeated because it flew in the face of democratic principles:

“It is impossible, that so many thousands of people, breathing such an atmosphere of freedom and knowledge, as they do in this Commonwealth, can all of them long be perfectly content, while excluded from any rights or privileges, which they know to be enjoyed by

⁶¹ O'Connor, *Fitzpatrick's Boston*, passim.

⁶² Petition of John B. Fitzpatrick and others, December 1, 1865, House Documents, MA.

members of the dominant body-politic, of which they themselves are and integral and powerful part.”⁶³

The report of the committee was made public in May. Bishop Fitzpatrick, who had been seriously ill when the petition was submitted, had died in February. All church property had been transferred to his successor, John J. Williams, through his will in the same manner used by Bishop Fenwick.⁶⁴ As late as 1866, there was still no full resolution to the question of ownership of church property. The Roman Catholic Archbishop of Boston was not designated a corporation sole until 1897.

During the Fitzpatrick era, the percentage of disturbances in Boston parishes was far lower than it had been under Fenwick. Despite the presence of trustees in some parishes, the episodes of conflict and the actions of the state legislature, the American Catholic system of administration prevailed in Boston as it had in other dioceses. The hierarchy, most priests and some laity had long been committed to this approach.⁶⁵ The immigrant Irish, who flooded the United States from 1845 and formed an increasingly larger portion of the Catholic community in Boston were inclined to be submissive and also accept this approach. Those influenced by European traditions and American practices that promoted lay participation may have settled for a very restricted role in parish government for a variety of reasons, but certainly the experience of conflict had shown many that in the end and regardless of method, they had little option but to accept the system preferred by their ecclesiastical superiors. Paradoxically, local Catholics chose to be members simultaneously of a hierarchical church and a democratic society. This change was one of many experienced by the Catholic community in the nineteenth century and it highlights an important aspect of its cultural distinctiveness.

⁶³ Report of the Committee on Parishes and Religious Societies, Senate Document 209, 1866, MA.

⁶⁴ Fitzpatrick's will is housed in the *Fitzpatrick Papers*, AABO.

⁶⁵ Carey, *People, Priests, and Prelates*, p. 111.

