

## **Issues of Church Governance from a Cross-border Perspective: The Case of Lay Trusteeism in Mid- Nineteenth Century Buffalo, New York**

W. BARRY SMITH

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The story of lay trusteeism in the Roman Catholic Diocese of Buffalo, NY is a story of many characters, most notably the first Bishop of Buffalo (1847-1867), John Timon, CM.<sup>1</sup> Trusteeism should not, however, be interpreted solely as a “Timon” issue. Long before the first bishop’s arrival, trusteeism in Buffalo was confronted by Bishop John Dubois of New York and Bishop, later Archbishop, John Hughes, his successor.<sup>2</sup>

For many reasons, the problem of trusteeism can be summed up by acknowledging that even a structure as traditional and staid as the Roman Catholic Church, when translated to the American states during their National period, would face tensions of identity and continuity. In fact, the Roman Church, once allowed to grow in the United States, faced an interesting problem. While it had been at best ignored and at worst persecuted throughout colonial times, with the passage of the Bill of Rights to the United States Constitution, freedom of religion was, like it or not, extended even to Catholics! What this meant for the church was freedom of worship and an opportunity for growth during a time when immigration was causing church membership to increase notably in a new land. At the same time, it meant that lay members of the church who maintained the faith through years of non-acceptance and who sometimes were the sole presence of the church in missionary territories, found themselves faced with an interesting challenge. Governance of the land was based upon

democratic principles. Geographical and attitudinal distance from the European church had fostered an acceptance of those principles. However, during the first quarter of the nineteenth century, the European structures of hierarchy and governance were being imposed upon a people who had begun to redefine the way in which church ought to exist in America. This was particularly true because of regular interaction with Protestantism which Roman Catholics were experiencing in the United States. As familiarity grew, so did a sympathy for the manner in which the Protestant churches in the United States were governed, i.e., by the *people* who built the churches and called their clergy to serve them and determined their length of service. Thus, while Catholicism was still suspect at best in most Protestant minds, it learned from the very people who were its supposed enemies.

Trusteeism, as it developed through the second and third quarters of the nineteenth century in the United States, addressed a number of inter-related issues: first, there was the question of lay involvement in ecclesiastical affairs. The Roman Church in Europe would not have considered the sort of adaptation which was proposed for its brethren in the United States. Principles of Jacksonian democracy were among the reasons that the adaptation was even proposed. Second, not unlike Canada to the north, the people of the United States were confronting a number of challenges based on ethnic rivalries. In Buffalo, trusteeism was a case of German immigrants, led by a wealthy Frenchman, confronting the Irish-American hierarchy of the Diocese of New York.<sup>3</sup> Third, there is no doubt that the anti-clericalism of post-Revolutionary Europe had been translated in some form to the United States. While the clergy sought, for example, to control education in Canadian lands, in the United States they sought to control the buildings, and the progress of the church. This created built-in reasons for tension. Fourth, trusteeism would never have been able to come to the fore to the extent that it did, lacking the anti-Catholicism which was still prevalent in the United States in the mid-nineteenth century. The trustees were not only able to present themselves as champions of democratic principles, but were able to enlist the assistance of many who were more than willing to challenge the power of the Pope and his priests in the political and economic arenas.

It is interesting, in the process of contextualizing the trusteeism problem in the Roman Catholic Church of the United States, to note certain social and political events in Canada which, when seen in the back-

ground of the times, provide insight into the attitudes of people. Significant, for example, is the fact that the ill-fated Rebellion of 1837 in Upper Canada is accepted by some historians today to be a prime example of the “. . . classic struggle between ‘democracy’ and ‘privilege.’”<sup>4</sup> This was at a time, as we will see, when the trustee question was coming to the fore in the reign of Bishop John Hughes of New York whose authoritarian ways were thought to be a poor example of European attitude in an American context especially by those many miles away.

Moreover, the Union of the Two Canadas in 1840 can be seen as a sign of the times on both sides of the border. Not only was the Union of itself important, but for our purposes, the move toward “responsible government” adds an interesting focal point. Responsible government was opposed in Britain (and by some in Canada) out of fear of an independence movement based on the provision for greater voice by the people and their representatives. While it can be interpreted as anti-British bias which caused support for responsible government, it can also be ascribed to a “home rule” attitude growing in Canada, an attitude which was evident among Canada’s neighbours to the South.

The issue of trusteeism, while regularly couched in ecclesiastical terms, may be seen in retrospect as symptomatic of a wider movement. Above the anti-clericalism which it reflected (something certainly shared with neighbours across the border), trusteeism marked a breakthrough in attitude: those citizens fostering the movement were concerned with the implementation of democracy in all aspects of their lives. They felt that those on the scene were best able to reflect the needs and priorities of a congregation or a diocese, not a bishop many miles away. Even with the advent of a resident local bishop, the attitude of trusteeism remained. The bishop (John Timon in our example) reflected the imposition of values from a far away institution confronting the values of the people who had donated the land, built the church and kept the faith alive when no bishop was around and other clergy visited only sparingly.

Another parallel can be seen in the attitudes which were in evidence during the debate surrounding the Canadian School Act of 1853. The rhetoric employed in the north reflected attitudes similar to those expressed by the lay trustees across the lake. The establishment of a separate school system, which was nonetheless subject to provincial inspection, its curriculum to be examined by the government on a regular basis, was analogous to the parochial structure which the trustees in Buffalo were

attempting to establish. They had organized a parish incorporating it under the laws of the State of New York. They next sought to apply those laws to their advantage, demanding that the statutes of New York be allowed to supersede the precepts of canon law in matters of ownership and control of church property. Their preference was for a parish much like the Protestant churches in the neighbourhood: incorporated under state law, controlled by local laymen, exempt from complete control (but not completely exempt from control) of the ecclesiastical authority under whose jurisdiction they lived. This, I believe, should not be interpreted solely as anti-clericalism. It was a stab at freedom in the way in which they wished to worship and to administer their parish on a day-to-day basis. It was also an example of decentralization.

At this point it is well to outline the details of the trusteeism controversy. Western New York at the end of the first quarter of the nineteenth century was an American outpost as well as a connection with the west. The Erie Canal, both in its construction and its sequelae, brought growth to the area and transformed Buffalo from a frontier-type town to an emerging metropolitan area. The Irish canal worker and the German businessman who followed began to bring about growth of a Roman Catholic presence in the area. Missionaries on their way west stopped to care for the spiritual needs of the residents, who hoped at some point in the not-too-distant future to have a clergyman of their own to care for their spiritual cravings. In order to accelerate the process of acquiring a resident spiritual leader for the Catholic population, a wealthy, landed French emigre, Louis LeCouteulx, donated to the bishop of New York, John Dubois, some of his property for use as a Catholic church and cemetery. This gift to commemorate the New Year in 1829 was rewarded with the assignment of a resident pastor to the area, a German named Nicholas Mertz.<sup>5</sup> Within two years, however, the German members of the congregation had begun to act as dissidents. They met with Bishop Dubois in 1831 and complained the Mertz was refusing to allow them to handle the financial matters of the parish. Here it should be noted that while trusteeism was experienced in many dioceses in the United States in the early-nineteenth century, Buffalo was unique in this sense: the clergy never worked in league with the trustees. Whereas in New York, Philadelphia and other sites of similar turmoil, sympathetic priests were found to support the trustees in their arguments with the bishop, in Buffalo the trustees were on their own. The clergy remained aligned with the bishop and served as intermediaries, as

the occasion warranted, to interpret ecclesiastical law and its application.

When the Buffalo parish – originally a chapel called Lamb of God because of the ornamentation on the front of a tabernacle brought by Mertz from Europe – constructed a more notable place of worship, it was re-named to honour the patron of its patron: St. Louis, king of France.<sup>6</sup> It was, nonetheless, a German parish by reason of the preponderance of communicants who were of German origin. So much was this the case that the Irish members of the congregation, who were outnumbered and thus outvoted in parochial matters, removed themselves from St. Louis by 1837 and petitioned Bishop Dubois to send another priest to minister to their needs as well.

In 1838 the trustees of St. Louis parish incorporated themselves under the property laws of New York State as established in 1784. This gave the trustees a controlling interest in running the parish because it was in their names that the parish land and structures were primarily held. This produced a negative reaction from the administering bishop of the diocese of New York, John Hughes, who was assisting an ailing John Dubois. When cajoling and threats produced no positive results, Hughes called a diocesan synod in 1841 to deal with the problems of church property ownership which were posed by St. Louis and a few other parishes in the vast diocese under his jurisdiction. Six anti-trustee canons emerged from the synod, basically establishing, as was the Roman custom, that the pastor, as the appointed representative of the bishop, was to be acknowledged as the ultimate authority in matters which dealt with the temporal as well as spiritual well-being of the parish.<sup>7</sup>

John Hughes pursued the implementation of his synodal decrees with a pastoral letter to St. Louis parish in 1843. He challenged the trustees to abandon the exaggerated notion of their own importance and rights and to submit to the synodal legislation. The trustees replied that, with regret, they would not be able to comply with his request.<sup>8</sup> (Hughes was no doubt surprised that his order was interpreted as a request.) By this time the trustees, although predominantly German, had as their chief spokesman William B. LeCouteulx, son of Louis, the benefactor of the church property. The trustees' regret was no doubt accentuated by Hughes' reply. On 4 April 1843, the Bishop withdrew the pastor and placed the parish under interdict – no ecclesiastical services were sanctioned to be performed there.<sup>9</sup> Only when the trustees, at least outwardly, agreed to submit to the authority of the bishop did Hughes lift the interdict (10 August

1844), but even then they proved recalcitrant. The German translation describing the events which brought about the lifting of the interdict, authored by the trustees, announced a capitulation on the part of Bishop Hughes.<sup>10</sup>

When the Diocese of Buffalo was created on 23 April 1847 with John Timon designated as its first bishop, the trustee issue at St. Louis was far from over. Upon Timon's arrival in Buffalo and because of initial good relations with the trustees, the new Bishop set up residence in the rectory of St. Louis parish. By late December of that same year, relations were deemed sufficiently cordial that, at the request of the trustees, Timon agreed to consecrate St. Louis church. However, the good relations were evidently only on the surface, for two days after he performed the ceremony of consecration, Timon was invited by the trustees to find another residence!<sup>11</sup>

The continuing struggle between Bishop Timon and the trustees became even more acrimonious shortly thereafter. The trustees wished to construct an addition to the church. Timon refused permission but while he was on a fundraising visit to Europe in early 1849 the walls for the addition were erected much to the surprise and chagrin of the bishop upon his return. After a verbal agreement was achieved, which created temporarily peaceful conditions, the trustees rendered an account of the events, in German, and to their own benefit, as had been their practice on previous occasions.<sup>12</sup> Finally, in 1851 the Jesuit pastor who had been installed at St. Louis by Timon was driven out by the trustees and Timon, as had John Hughes before him, placed the parish under an interdict.<sup>13</sup> The interdict provided an interesting and revealing comment in the secular press: “. . . it looks a little like taking us back to the ages almost forgotten, when such things occur in a free country, where all religions are equally acknowledged and tolerated.”<sup>14</sup>

In 1853 now-archbishop John Hughes lobbied the Senate of the State of New York to grant relief to Catholic parishes by passing an ecclesiastical property law which would provide for clerical ownership of church lands. At the encouragement of the St. Louis trustees, Senator Stephen Babcock spoke against the measure on the floor of the State Senate; the legislature, dominated by the anti-clerical Know-Nothing Party, easily defeated Hughes' proposal.<sup>15</sup> That same year, an intervention from Rome took place. Archbishop Gaetano Bedini, ostensibly on a journey from Rome to the government of Brazil, made a convenient stop at various

America cities at the suggestion of the Roman Secretary of State, Alessandro Cardinal Barnabo, to investigate the trusteeism question which was affecting Buffalo among other dioceses.<sup>16</sup> Although the St. Louis trustees both in a letter and personal interviews attempted to win Bedini to their side, they were unsuccessful.<sup>17</sup> Once it was clear that all ecclesiastical avenues were closed to them (William LeCouteulx had since moved to Paris, and lobbied both from there and directly in Rome as well), the trustees agreed to accept the prescriptions of Canon Law and abide by the decisions of the local bishop. While the trustees still owned the property (a condition which maintained until a resolution was consummated within the past decade) they agreed that the parish would be run with the bishop, and the pastor as his representative, having ultimate authority. Only then would Timon agree to lift his interdict of the parish (27 May 1855)<sup>18</sup> and reconsecrate the church eight years after the original consecration in December 1855.<sup>19</sup>

Thus, concluded an unfortunate but significant chapter in North American church history. As in other situations where trusteeism was a problem, in Buffalo the question was resolved by the fact that ultimately it could be nothing other than an ecclesiastical issue. While the trustees had certain laws of the state on their side, the clergy were armed with the prescriptions of Canon Law. Thus they had what became the ultimate “trump card.” When all the discourse and acrimonious dialogue was completed, and despite whatever principles of fairness might have been violated, the bishop could hurl an interdict upon a recalcitrant parish, remove the pastor, and basically deny the parish its basic spiritual sustenance. In Buffalo it was easier to accomplish, for the laymen were alone in their opposition, without clergy support. Beyond the ill feelings and necessity for healing which remained after the struggle was at least outwardly resolved, Buffalo and other dioceses which had experienced trusteeism became exemplars for those opposed to lay involvement in church affairs up to, and including, the time of the Second Vatican Council and its reform of church governance.

Returning now again to an analysis of the events surrounding the trustee controversy and the similarities of attitude which transcended national boundaries, a few conclusions and observations can be drawn: first, trusteeism, while not peculiar to the Western New York area of the United States, possessed a unique character, including the most noteworthy – trusteeism in Buffalo was unable to gain the support of *any* clergy. Anti-

clerical in its inception, trusteeism was a lay activity.

Second, it was on the surface a division caused by the question of land ownership. However, its roots went much deeper. The trustees realized that control was hard to come by in the Roman Church, whether in the States or in Europe. They found, however, that the laws of the United States, unlike those encountered by the European Church, did not automatically favour the cause of the clergy. Thus they were able to incorporate and maintain control of church property against the will of the bishop or the pastor.

A third point is indicative of the cross-border interests which I believe assisted in creating the “problem,” of lay involvement in church affairs. Buffalo was an outpost in the mid-nineteenth century. While notable as a gateway to the west and growing as a port for the Great Lakes, it was far removed from New York and even farther (both in miles and in attitude) from Europe, Rome in particular. Canada, similarly, was far from England and southern Ontario as we know it today was removed from a good deal of the mainstream of the day-to-day functions of government. This allowed the residents of Lower Canada and the residents of western New York to begin to think, and to act, independently of those who considered themselves in control of these areas. Canadians, especially those who worked the land and built the economy, wished for a greater voice in governmental affairs. Catholics in western New York wished to govern a church which they had constructed and maintained when clergy were rarely to be found in the vicinity. In Buffalo, it was an emerging new ecclesiology: a self realization of its potential when examined in relation to the world around it on the part of the church. Resolved by ecclesiastical law, trusteeism along with the questions and issues it raised remained in the minds of the people.

Attitudes die hard despite Canon Law or Parliamentary opposition. The seeds of democracy which led American Catholics to adopt trusteeism encouraged Canadian citizens to opt for responsible government. In both cases the mid-nineteenth century was a watershed. What had begun would not easily cease. We see its results even today, but that is another story.

One bit of information is lacking and probably lost forever. The diary left behind by Timon is written with virtually no reference to the neighbours to the north.<sup>20</sup> Timon was consumed with the affairs of his far-flung diocese and travelled extensively and regularly within it. It encompassed an expanse of territory which today is administered as two



dioceses, Buffalo and Rochester. Timon also spent a good deal of time in Europe where he solicited donations from various missionary benevolent societies which were known for their generosity toward American bishops. We cannot conclude, however, that Timon had no direct interest in Canadian affairs. He had, in fact, a number of Canadian connections. In October of 1850, possibly to allow him jurisdiction should the bishop of Buffalo sojourn in Canada, John Timon was designated a vicar general of the Archdiocese of Quebec by the ordinary Peter Flavian Turgeon.<sup>21</sup> In April of 1867, Timon's last hours were spent in the company of two Canadian prelates: fellow-Vincentian John Joseph Lynch, then Archbishop of Toronto, and John Farrell, Bishop of Hamilton, who attended to the Bishop of Buffalo on his death bed. Especially in Lynch we might assume some mutual interest in affairs political and ecclesiastical since Lynch was a member of Timon's religious congregation. Lynch had been present in the Buffalo diocese at the foundation of what is now Niagara University. Timon wrote extensively to his fellow bishops in America. We can reasonably assume that he followed the same practice with his confrere across Lake Ontario.

The deathbed scene may provide us with some imagery for future study. The Archbishop of Toronto, the Bishop of Hamilton and the Bishop of Buffalo shared more than episcopal consecration. Friendship and mutual concerns no doubt brought them together on other, more pleasant circumstances. It is reasonable to assume that on such occasions Canadian and American Bishops discussed what was crucial to their ministry: how would a church of European origin identify itself within a society of frontier democracy and how could the people whom that church served express their new-found freedom at both the ecclesiastical and governmental level?

### ***Endnotes***

1. Timon was a member of the Congregation of the Mission or Vincentian Fathers. Previous to his appointment as Bishop of Buffalo, he had served with fellow Vincentians in the Texas mission.
2. The Diocese of New York was created in 1808 as a suffragan to the primatial See of Baltimore. At the time, it encompassed the entire State of New York. In 1850, after the creation of the Dioceses of Albany and Buffalo in 1847, New York was designated an archdiocese. Its bishop, John Hughes, thus

became an archbishop.

3. In the interest of brevity, I have confined my references to Canadian history to a single work: R. Douglas Francis, Richard Jones, and Donald B. Smith *Origins: Canadian History to Confederation*, 2nd ed. (Toronto: Harcourt Brace & Co., 1992).
4. Francis, Jones, and Smith, *Origins: Canadian History to Confederation*, 239.
5. John Timon, *Missions in Western New York and Church History of the Diocese of Buffalo* (Buffalo: Catholic Sentinel Print, 1862), 207-212.
6. Thomas Donohue, *History of the Diocese of Buffalo* (Buffalo: The Buffalo Catholic Publishing Company, 1929), 48.
7. John R.G. Hassard, *Life of the Most Reverend John Hughes, D.D., First Archbishop of New York* (New York: D. Appleton and Company, 1866), 257.
8. Hassard, *Life of the Most Reverend John Hughes*, 261.
9. Timon, *Missions in Western New York*, 229.
10. Timon, *Missions in Western New York*, 229.
11. Timon, *Missions in Western New York*, 239.
12. Charles G. Deuther, *The Life and Times of the Rt. Rev. John Timon, D.D.* (Buffalo: by the author, 1870), 126.
13. "Documents and History of the Affairs of St. Louis Church," *Miscellanea in Catholica America*, IV, 4 (Special Collection, Catholic University of America, Washington, DC).
14. *Buffalo Morning Express*, 21 June 1851.
15. Bishop Timon sent a text of the Senate activities and speeches, along with personal commentary, to Rome in September 1853 (Timon to Propaganda, Buffalo, 22 September 1853, Archives De Propaganda Fide (hereafter APF), Scrittura, vol. XVI, ff. 678rv-741rv).
16. The Bedini visit to the United States is well-covered in James F. Connelly, *The Visit of Archbishop Gaetano Bedini to the United States of America* (Rome: Typis Pontificiae Universitatis Gregorianae, 1960).
17. APF, Scrittura, vol. XVI, ff. 742r-748v.
18. Deuther, *The Life and Times of the Rt. Rev. John Timon, D.D.*, 211.

19. Bishop Timon's Diary, 27 December 1855, Archives of the Diocese of Buffalo (hereafter ADB).
20. Bishop Timon's Diary, ADB.
21. Turgeon to Timon, 8 October 1850, ADB.

