

CHAPTER 3

THREE CONTROVERSIAL FRIARS

Many years after the fact, the provincial of the Irish Dominicans, William Vincent Harold, wrote to a friend in Dublin about his experiences in the United States. "If only those days could be changed. Even now, remembering them brings a blush to my cheek."^[1] The passage was a rare indication that Harold had doubts about at least one (and perhaps several) courses of action he had so vehemently upheld during his American mission.

In the early years of the nineteenth century a number of Irish missionary priests came to the United States and died there. Others gave years of faithful service, but then chose to return to Ireland. Among the latter were three Dominican friars who left the States under a cloud of controversy. Each of these "controversials" had come as a mature priest with an excellent record. Each, upon returning to Ireland, continued where he had left off and served out his days as a highly respected member of the Order. Yet each man, while laboring in the American Church, ran afoul of the phenomenon known as "trusteeism." Depending on one's point of view of that system, William Vincent Harold, John Albert Ryan, and Thomas Carbry can be viewed either as martyrs or troublemakers. The trustee system was not unique to American Catholicism. Early Catholic settlers were merely adapting certain European practices to realities in the United States. For centuries in Europe a wealthy person or family who gave land and money towards the building of a church had a strong say in the temporal affairs of that church, and often exercised what was called the *jus patronatus*, or right to present to the Bishop the name of the man they wished to have for a pastor. In the United States the practice was much influenced by the Protestant tradition of allowing elected trustees to conduct temporal affairs. These men were chosen from among the "pewholders" — those who paid a regular fee which entitled them to the exclusive use of a particular pew in the church.^[2]

Ethnic parishes tried to secure priests from their own background, but because of the acute shortage of ministers for the American mission, they often had to settle for whoever was available. The appointment of bishops also posed problems. The Vatican Congregation of Propaganda Fide, which was charged with the final selection of bishops in mission territory, was handicapped in its ecclesiastical appointments by the shortage of priests, great distances, and lack of specific knowledge of local circumstances. At least some of the tensions surrounding the American ministry of Harold, Ryan and Carbry can be traced to these causes.

William Harold and John Ryan became close friends during their early years as Dominicans. This relationship endured until Ryan's death in 1852. Even though they did not minister near one another during their American experience, their friendship, based on an almost uncanny similarity in thinking, caused them to be linked in the history of the Order.

William Harold was the first of the pair to arrive on the American scene. He came from Dublin, apparently drawn by the appointment of Luke Concanen, OP, to the See of New York in 1808. Not finding Concanen there when he arrived in that year, Harold heard that the recently named Bishop of Philadelphia, Michael Egan, OFM, was in need of a priest at St. Mary's, the

cathedral parish. As Bishop Egan later told Archbishop Carroll, Harold had come with "strong recommendations from Doctor Troy and the provincial of his order," followed by letters from Ireland calling him "a gentleman of good sense and excellent conduct."^[3] When Egan tested his worth by having him preach at St. Mary's, he announced, "He gave general satisfaction." In fact, a group of trustees afterwards congratulated the new bishop on obtaining "so able an appointment."^[4]

William Harold's talent for preaching, joined with a natural ability for dealing with people, helped him to settle in at St. Mary's where he soon became Bishop Egan's trusted assistant. Six months after his initiation as preacher in 1809, Harold joined the bishop, the Augustinian friar John Rosseter and eight trustees in launching a major enlargement of the church to a size more fitting a diocesan cathedral. No one seems to have disputed the need for the reconstruction; what was questioned was the method of securing funds and their availability. Pastors and trustees addressed a circular, "To the Pewholders of St. Mary's Church," in which they admitted that "our funds are unequal to such an undertaking," and appealed to parishioners' generosity. They also cited a "well founded hope of liberal assistance from our brethren and fellow citizens in Philadelphia."^[5]

The project went ahead, with the final cost nearing \$30,000 and subscriptions amounting only to \$17,000.^[6] While renovations were being completed, formal installation of bishops for the four new dioceses of Philadelphia, New York, Boston and Bardstown were taking place. William Harold had the honor of giving the sermon at the consecration of Boston's Bishop Cheverus, which took place in Baltimore on the feast of All Saints, 1810. He spoke on the sanctity of ecclesiastical authority and so pleased the assembled prelates that they had the address printed.

Bishop Egan's consecration had been celebrated a few days earlier at St. Mary's. When Harold returned in triumph over his performance in Baltimore, there were new financial concerns to be settled. Besides the cost of church construction, the question of salaries now emerged. It was decided among the trustees that the bishop and two clergymen would be paid \$2,400 a year.^[7]

In 1811 John Rosseter left St. Mary's, owing to poor health. His place was taken by another member of the Harold family, a diocesan priest named James Harold, who was William's uncle. James had been exiled to Australia because of his alleged support of the rebels who had been his parishioners in the 1798 Dublin uprising. Broken in health by this exile, he was released from the penal colonies in 1810 but still barred from Ireland. Instead, he managed to reach Rio de Janeiro and enlisted the help of the papal nuncio to Brazil. News had reached him that his nephew William, who had been ordained a Dominican, was now pastor of "the largest and richest congregation in the United States."^[8] He asked the nuncio for an introduction to Bishop Egan and help in reaching Philadelphia. The nuncio sent him on to the United States with a recommendation which called him "an excellent Irish ecclesiastic" who by his "piety and good conduct would render himself very worthy."^[9] Egan received him graciously and wrote to Carroll that his coming "had made his nephew completely happy and should he remain with us, he will be a great acquisition."^[10] Unknown to the participants, this combination of events and personalities would precipitate the disaster to follow.

Before the storm could break, one more actor arrived to foment the crisis. John Ryan, O.P., had been asked to accompany a priest friend, one Bernard Lonergan, on a sea voyage deemed necessary for his health. Both Lonergan and Ryan had relatives and friends in the United States. In New York the priests enjoyed the hospitality of the Jesuit Anthony Kohlmann stationed at St. Peter's. Kohlmann sent word to Baltimore of their arrival, mentioning that "Mr. Ryan is recommended to us as a most meritorious clergyman and excellent preacher." Though both men intended to return to Ireland after a short visit, Kohlmann clearly hoped that they both might stay in the United States.[\[11\]](#)

World events intervened. The embargo which accompanied the War of 1812 complicated plans for a quick return voyage. The two priests decided to visit Philadelphia, where, as Ryan put it, they would "spend some time with Doctor Egan . . . and with Mr. Harold my old fellow student and friend."[\[12\]](#) Lonergan then determined to return to Ireland despite the dangers of war. Because travel proved expensive, Ryan could not afford the trip. Before he sailed from New York, Lonergan tried to persuade Father Kohlmann to make a place for his friend John Ryan at St. Peter's. At first the pastor agreed and Lonergan wrote to Ryan telling him to come at once to New York. Harold traveled with Ryan. By the time they reached St. Peter's, Lonergan had left and Kohlmann had changed his mind. Lonergan had convinced him that both Ryan and his friends had expensive tastes, especially for fine wines. Regretting his invitation to Ryan, Kohlmann used the excuse that the parish trustees had said there was not enough money available to pay an additional salary.

Finding himself rejected, Ryan confronted Kohlmann and complained to Carroll, accusing the New York pastor of lying, insincerity and prejudice against Irish clergy.[\[13\]](#) Whether or not the accusation was correct, this representation to Kohlmann and the Archbishop weakened the good reputation once held by the two Fathers. What Dominican brethren were later to say of Harold probably applied to both men: they were, indeed, zealous priests, gifted preachers, but "ready for a fight."[\[14\]](#)

Ryan then left to visit his sister in Baltimore, and while there he was asked by John Carroll to fill a pastoral position in that city. This he did to the complete satisfaction of the archbishop, until his friend Harold became the beleaguered party in a Philadelphia dispute. Ryan went up to help him and the two friends eventually decided they had enough of American clergy. Both returned to Ireland in 1813, but not before a major conflict.

The same embargo that interfered with Ryan and Lonergan's plans to sail for Europe in 1812 wreaked financial havoc in American port cities, among them Philadelphia. Money needed to pay for the extensive renovations to St. Mary's evaporated, and the stress of financial shortfall began to erode the harmony of the bishop's household. There were also personality differences that had already surfaced between Egan and the two Harolds. The bishop blamed the quarrels that erupted within the rectory on the presence of James Harold and cited him for unduly influencing his nephew to rebellion.[\[15\]](#)

As Egan described it, with Michael Hurley as a witness, open domestic warfare broke out when the bishop informed his two associates that his physician had advised him to preach as

seldom as possible. Accordingly, he preached only occasionally and expected the Harolds to alternate at St. Mary's. This they refused to do. Nor would they help with the distribution of Holy Communion at Mass. Egan described a conflict concerning a baptism and an emergency sick call during which he asked James Harold to take the sick call. The elder Harold refused, saying that he was only bound to take calls that happened on his rotation.[\[16\]](#)

By this time, the bishop was asking Archbishop Carroll's advice about transferring James Harold to Pittsburgh, so that there might be some hope of his "living peaceably again with the nephew." James, however, was refusing to go unless his salary at St. Mary's would continue to be paid. Egan remarked that the elder Harold was very concerned "to make money, which he cannot do there."[\[17\]](#)

To complicate matters, in 1812 the trustees of St. Mary's reported that the parish was nearly seven thousand dollars in debt. They "saw no way of being freed from [that debt] unless the services of one of the pastors be dispensed with and the salary of the clergy be reduced."[\[18\]](#) When the July quarterly salary of six hundred dollars came due, there was nothing in the treasury. Efforts to secure a loan failed and by the beginning of August, the treasurer had managed to collect only two hundred dollars. This he offered to the clerics and it was refused.

The bishop and his two priests then issued a circular accusing the trustees of deliberately withholding the salary payment, asking if the parishioners truly wished "to submit your clergy to such humiliation from men such as these."[\[19\]](#) Without having a chance to explain their problems, the trustees were censured, and a subscription for the support of the clergy raised a thousand dollars in one week. The clerics had their salary and St. Mary's had more than its share of dissension. Protests and counter-protests were published and Archbishop Carroll received complaints from both sides.

Yet, by the end of October, the bishop had made his peace with the trustees, at the expense of the Harolds. He told Archbishop Carroll that he had never approved the circular against the trustees but had signed it "from a pliability of disposition." The ensuing controversy would be for him "an instructive lesson" for future occasions.[\[20\]](#) He was adamant about having James Harold resign. However, when it came to a final decision, it was Harold who outmaneuvered Bishop Egan by announcing from the pulpit on Sunday, February 21, that he and Father William Vincent would no longer officiate at St. Mary's. The outcry against Egan and the trustees which followed proved that both Harolds had a solid following among the ordinary people of the parish.

Once again there was a round of letters to Baltimore, calling "Mr. Harold, Jr. . . . a man of distinguished merit and talents: whose retention would "result to the advantage of Religion."[\[21\]](#) A Memorial signed by some three hundred members of the congregation begged the archbishop to restore the Harolds to St. Mary's, since the two priests possessed their "unbounded confidence" and were "supereminently adequate to all that can create respect and add dignity to our Holy Religion."[\[22\]](#) John Ryan came up from Baltimore to try to make a peace of sorts and Egan thanked him profusely for his efforts.

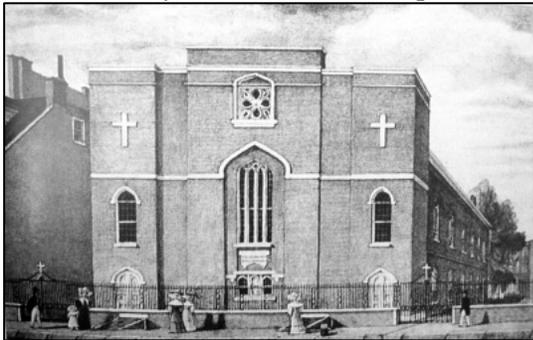
In the end, the Harolds held to their decision, and both left for Europe in April of 1813. Upon his return to Baltimore, John Ryan also announced that he was leaving the United States in April,

evidently without consulting Carroll, who was chagrined at losing both Ryan and the younger Harold. Writing to William shortly after the February announcement, Carroll referred to his leaving as "a great loss to the diocese and the American Church in general."[\[23\]](#) The archbishop had tried to convince Egan to retain William Harold, but that prelate wrote that his mind was "unalterably set never to readmit" either of the Harolds to his diocese.[\[24\]](#)

Archbishop Carroll's good opinion of both Harold and Ryan was soon to change. When the two friars reached Europe, they painted critical pictures of conditions in the American Church. John Ryan indicted both Carroll and the Jesuits for trafficking in slaves and accused the archbishop of being "a great slaveholder." Carroll denied those charges and mentioned Philadelphia reports that Harold had insulted Bishop Egan.

The Philadelphia prelate continued to be plagued by salary disputes with his trustees as well as the ill health he had described to the Harolds during the winter of 1812. Worn down by the pressures of his position, Michael Egan died in July of 1814. Within days, one priest wrote that the only man St. Mary's would "peaceably" accept as pastor would be "the Rev. William V. Harold."[\[25\]](#)

Old St. Mary's Church in Philadelphia



It was the first salvo in a campaign extending over several years that aimed at making William Harold the next bishop of Philadelphia. But those who were promoting William Harold met with the considerable indolence of John Carroll. The Archbishop testified that while Harold was "of good morals and excellent in preaching," he was also "rather bold and arrogant to a degree that he was charged with harming his bishop."[\[26\]](#) Then Carroll sent in his own set of names for consideration:

Fathers John Baptist David, Louis William DuBourg and Demetrius Gallitzin. Propaganda, under Cardinal Lorenzo Litta, recorded the conflicting recommendations and in the end, disregarded them all, selecting Doctor Henry Conwell, Superior and Vicar of the District of Lingannon in the Diocese of Armagh, Ireland.

Shortly after the appointment was announced, twenty-two of Conwell's fellow clerics sent a recommendation to Propaganda Fide. All agreed that, based on their knowledge of their "highly respected friend's constitution and period of life," he was not suited to be a bishop in the New World. They suggested that Conwell should not accept this honor but "spend the remainder of his days in his native land."[\[27\]](#) It was an opinion that numerous American clergy would have endorsed, but it came too late. In ignoring the advice of both Archbishop Carroll and the clerics of Armagh, Propaganda unwittingly set the stage for another disaster at St. Mary's.

During the years that Propaganda hesitated over naming a successor to the See of Philadelphia, the Congregation was receiving disturbing reports about conditions in the southern portion of the Baltimore Archdiocese. There was widespread discontent among the Irish Catholics in southern Virginia and the Carolinas, a good deal of it having to do with the rule of

French pastors who served them. Into this volatile situation came another Irish Dominican missionary, one Thomas Carbry of Dublin.

Before coming to New York in 1815 at the age of sixty-five, Carbry had spent the better part of his priestly life in the service of the Dominican archbishop of Dublin, John Troy. He had been a student of Troy at the Irish Dominican college of San Clemente in Rome. Ordained in 1775, Carbry returned to Ireland and became known as a gifted preacher. In 1789, the Order honored him with the title Preacher General. By the time he arrived in New York City he had distinguished himself as a model cleric.

Carbry's decision to leave his homeland and undertake mission work at an advanced age was prompted by the appointment earlier that year of John Connolly as bishop of New York. The two had known each other at San Clemente in Rome. Now, Connolly was seeking the assistance of his old friend as he set out to shepherd a sizeable flock in the new world.^[28] During the next few years in New York, Carbry proved to be a valuable assistant to the bishop and was well liked by the congregation.^[29]

In a letter of April 9, 1818, Bishop Connolly informed Archbishop Ambrose Maréchal of Baltimore that Carbry had received a letter from the trustees of St. Mary's parish in Norfolk, Virginia, expressing their desire to have him as pastor. The Norfolk men had been involved for the previous two years in a dispute with their French pastor, Rev. James Lucas. Like many complaints raised against French pastors by English-speaking congregations, this one included dissatisfaction with Lucas' inability to preach effectively in English or to understand American customs and values.

Underlying the ethnic tensions was a far greater disagreement between Lucas and the trustees over ultimate authority in the Norfolk congregation. The disputes had come to a head on December 18, 1816, when Lucas appointed a new board of trustees to replace those who refused to cooperate with him. The former trustees retaliated by bolting the doors of the church and obtaining a court injunction against Lucas' use of the building. A month later, Archbishop Leonard Neale, who had appointed Lucas, placed under interdict the church controlled by the rebel group. Lucas then opened a chapel in his house which would serve as the parish church for the next four years. Believing themselves the victims of an overbearing pastor and an insensitive bishop, the disaffected trustees decided to bring their grievances to the highest authority by formulating a petition to the Holy See.

It was in that petition of 1816 that the name of Thomas Carbry first appeared in connection with the Norfolk crisis. After explaining the grounds for why they should be allowed to exercise the *jus patronatus*, the trustees continued:

After the most minute and dispassionate enquiry into the characters and qualifications of the Clergy of these United States . . . , we have fixed our wishes and beg leave to present Reverend Thomas Carbry of the Order of St. Dominic, now residing in the City of New York; and we do not cease to offer to the Almighty Bestower of all gifts, our most ardent prayers that he may vouchsafe to inspire our Holy Father to confirm him our bishop and

Spiritual Head to the States of Virginia and North Carolina (or the State of Virginia alone) with the title and dignity of Bishop of Norfolk.[\[30\]](#)

The petition ended with a threat "to have recourse to lay and unorthodox tribunals for redress" if the pope failed to heed their wish to have Carbry as bishop. From beginning to end, the document made surprising claims of lay rights in regard to spiritual authority. Even more astonishing was that the petitioners found a sympathetic ear in Rome when their case was presented to the Propaganda Fide in person by John Donaghey, one of the signers.

While being careful not to acknowledge the right of patronage, the officials of Propaganda nevertheless thought it prudent to address the request for a pastor whose native tongue was English. Otherwise the dissatisfaction might lead to schism. With an eye to preserving the unity of the Faith in Norfolk, Cardinal Litta wrote to Ambrose Maréchal, the new archbishop-designate of Baltimore, informing him of the Norfolk congregation's request for a separate bishopric in Virginia and asking his opinion. Litta suggested that, until a final decision was reached concerning the ecclesiastical status of Virginia, Maréchal should send an English-speaking priest as pastor to Norfolk as soon as possible. He went on to propose Carbry's name for the position, based on three highly favorable testimonials he had recently received.[\[31\]](#)

When Bishop Connolly wrote to Maréchal about the matter he described Carbry's response to the letter from Norfolk:

He informed them that he considered their supplication of so serious and afflicting a nature that his charity could not refuse assistance.... It only remained for them to entreat their Bishop to request him to go there, and he would fly to their relief. .. He asked my consent, which I thought myself in conscience bound to give him in such circumstances.[\[32\]](#)

Although Connolly was willing to sacrifice Carbry's assistance for the greater good of the Church in Virginia, Maréchal was not so willing to receive the missionary in his diocese. Despite highly favorable testimonials, the archbishop refused to appoint him pastor in Norfolk, based on information gathered from his own sources. After visiting Norfolk in June 1818, Maréchal wrote to Cardinal Litta that most of the people were devoted to the French pastor, and that the dissatisfied persons consisted of a very small group led by three trustees: Dr. Oliveira Fernandez, Mr. Thomas Reilly, and Mr. John Donaghey. He did not see any need to replace Lucas or erect a separate diocese in Virginia, as it was but a day's travel from Baltimore. As for Carbry, "he is a priest who would hardly be of help there, but would more probably prove a very great source of evils. He has been represented to me by men of weight as a priest of an ambitious and turbulent disposition."[\[33\]](#) This description stood in marked contrast to the earlier testimonials and to his reputation in both Ireland and New York. Maréchal's investigation seems to have been based on a single biased source of information, Peter Malou.

Malou was one of the Jesuit missionaries already working in New York when Bishop Connolly arrived in 1815. He had a penchant for stirring up trouble and maligning anyone who might oppose him in his schemes. While refraining from attacks on Connolly himself, he did not hesitate to calumniate Connolly's principal supporter, Thomas Carbry. In April of 1818 he made

several more accusations, including the statement that Carby had been suspended from his priestly duties in Ireland. This had no basis in fact. Yet, it was likely that Malou's accusations influenced Maréchal in his refusal to appoint Carby as pastor in Norfolk.

Maréchal's depiction of the situation in Norfolk as one of relative harmony and satisfaction was as inaccurate as his portrayal of Carby. In a letter to his friend Joseph Faraldi, Dominican prior of the Minerva in Rome, Carby painted a far different picture of the situation, and one which proved more true to life. In June of 1818, he spoke of how dangerously close many Catholics in the southern states were to forming a schismatical church. They were seeking a priest who would travel to Utrecht, Flanders, to receive episcopal consecration from the schismatical Jansenist bishop there. As for the morality of their plan,

It serves no purpose to talk to them about the discipline of the Church and canon law. They will tell you that they know no law but that of the country . . . that popular elections are universal here in both civil and ecclesiastical affairs; and that the policy of the Catholic Church is old and should therefore be adapted to the laws and customs that are universal in these parts.[\[34\]](#)

Carby thought that the only way to avert such a schism was to provide the people with pastors of their own tongue. Far from advocating a schism, Carby was hoping to avoid it by warning Rome of the gravity of the situation.

Before long Carby's predictions proved true. An Irish Franciscan, Richard Hayes, received an anonymous letter from South Carolina in March 1819 asking him to go to Utrecht for consecration as bishop of South Carolina. He in turn could consecrate other bishops for the disaffected Catholics of the American South. Although unsigned, the letter was followed by a postscript signed by Carby who explained that he was only acting as intermediary for the anonymous writer. He also offered to transmit Hayes' response to the writer. The document clearly implicated Carby in a plot to form a schismatical church in the United States.

When Hayes exposed the whole affair to authorities in Rome, there was genuine shock over Carby's role in transmitting the letter. Officials at the Propaganda compared it with Carby's letters to Faraldi and Litta and sadly determined that they were written in the same hand. Despite his outright denial a few years later of any involvement in the affair, Carby's good name was lost. The truth of the matter was to remain a mystery. If Carby was not an accomplice in this scheme, then someone was trying to destroy his reputation. This was certainly a possibility. Only a few months before, Carby had expressed deep concern over the possibility of a schismatical American Church. Would he have then taken an active role in promoting the very evil he had sought to avoid?[\[35\]](#)

A few months after transmitting the anonymous letter from South Carolina to Richard Hayes, Carby left New York for Norfolk. He arrived on May 23, 1819, claiming to have been commissioned pastor of the congregation by Pope Pius VII. The following Sunday Carby celebrated Mass in the church while the pastor Lucas celebrated in his own chapel. In June, Maréchal wrote to Carby demanding that "before the first day of the coming month of July, you yourself bring Us the title (or send Us an authentic copy of it), on the authority of which you

presume to exercise pastoral jurisdiction in our diocese."[\[36\]](#) The archbishop warned that should Carbry fail to comply, he would be appropriately censured.

Unfortunately, Maréchal's request went unheeded. One month later he sent a second warning, threatening Carbry with solemn excommunication if he continued to function in the diocese. Again, there was no response. Carbry's intransigence and his association with those who were schismatically inclined finally led Maréchal to promulgate the Norfolk Pastoral letter on September 28, 1819. He warned Norfolk Catholics "to avoid with religious fear any communication in spiritual things with that unfortunate priest . . . You cannot adhere to him as your Pastor without leaving the Church, from which he has separated himself."[\[37\]](#) Although Maréchal had now formally condemned the Irish missionary, he stopped short of excommunicating him.

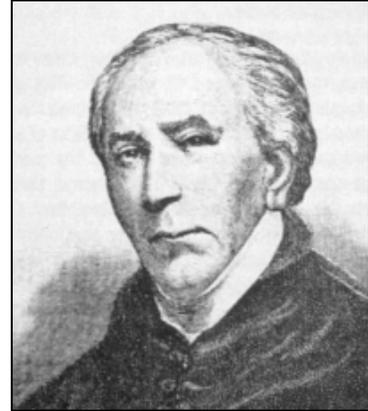
What happened next, however, seemed to suggest that Carbry's claim of a papal commission might have had substance after all. On November 11, 1820, Cardinal Fontana of Propaganda informed Maréchal of Rome's decision to erect a diocese in Virginia with Richmond as the episcopal seat. Despite Maréchal's objections, Propaganda saw the appointment of a bishop in Virginia as imperative if schismatical tendencies were to be kept in check. The bishop-elect of the new diocese was Patrick Kelly, priest of the diocese of Ossory in Ireland. He was instructed to reside in Norfolk until there were enough Catholics in Richmond to support him financially.

Kelly came to Norfolk in mid-January of 1821, after receiving a cold reception in Baltimore from the archbishop. Within a week the Norfolk pastor Lucas reported to Maréchal that the new bishop had met with Carbry who told him that he had come to Norfolk only until a bishop should be appointed for Virginia. Such a statement from Carbry seemed to imply that these were instructions given to him as part of his commission. Lucas' next communication was even more enlightening. Said the frustrated French pastor, "It is a scandal to see Mr. Carbry continue to officiate without any interruption, submission, or punishment. . . . The Bishop lifted the interdict Saturday, and gave Mr. Carbry permission to say Mass at eight o'clock."[\[38\]](#)

The fact that Bishop Kelly appeared to inflict no censure or any other punishment on Carbry would seem to indicate that Carbry had done nothing to incur a penalty. If indeed he had been ministering in Norfolk with neither the permission of the ordinary nor some higher authorization, he would not have been allowed to function so freely by the new bishop. Therefore, the assumption was that Kelly must have been given some proof of Carbry's papal commission.

If such evidence existed in a document, it was never found.[\[39\]](#) Of course, it is possible that the corn mission was a fiction. This would help to explain why Carbry never responded to Maréchal's requests for proof. However, if the missionary was in fact acting without authorization, it becomes difficult to comprehend Kelly's generous treatment of him. And why did Maréchal never excommunicate the Irish missionary, as he had threatened to do? Was it because he feared Carbry's account might be true? Whatever the answers, Thomas Carbry faded into the background with the coming of Bishop Kelly to Norfolk. The Dominican friar left that city in 1822 to return to Dublin. His departure coincided with the appointment of a new bishop and the return to Philadelphia of the two Irish missionaries who had left under a cloud. William Harold and John Ryan now reentered the country as rescuers.

**Henry Conwell, second bishop
of Philadelphia**



During years of waiting for a bishop, the Philadelphians welcomed to St. Mary's parish a handsome young Irish priest named Thomas Hogan. He could preach a rousing sermon and attract the loyalty of parishioners, especially the ladies. However, he tangled with the Vicar Louis De Barth early in his career; there matters stood when the new Bishop of Philadelphia, Henry Conwell, arrived on December 2, 1820. The next day was Sunday and Hogan was the scheduled preacher. As one listener put it, "Father Hogan pitched into Vicar General DeBarth . . . on Tuesday he was deprived of his faculties by the Bishop for his language. Then the war was on."[\[40\]](#) Hogan did not intend to give up his berth at St. Mary's, but the new bishop withdrew Hogan's faculties. While the action was legitimate, the bishop did not endear himself to his new flock by suspending a favorite pastor within three days of his arrival. The congregation was divided over the issue. Hogan's supporters seized control of the church building and harassed the bishop and other clergy, and whoever backed them. Launching a pamphlet war, they forced the bishop's party to retreat to the Chapel of St. Joseph in Willing's Alley for parish services. The bishop's supporters among the parishioners, although they upheld episcopal authority and worshipped in St. Joseph's Chapel, had little love for Conwell.

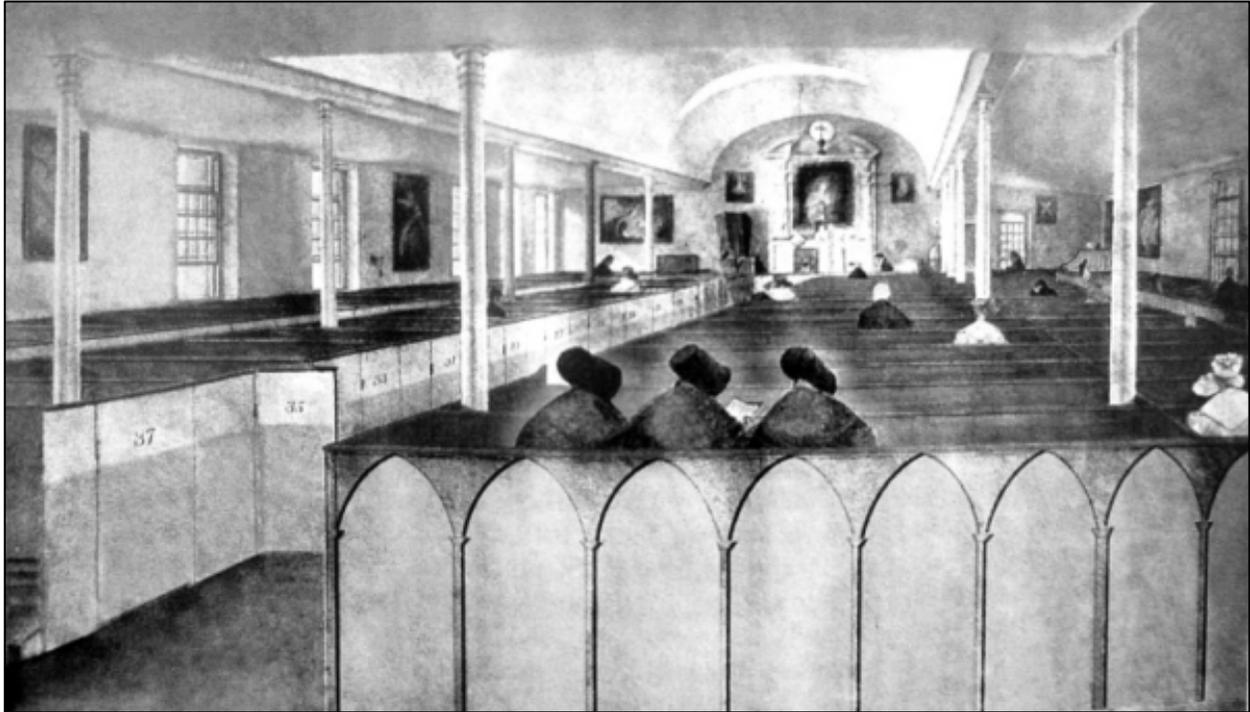
At this time the Dominican William Harold was a professor at the studium of Corpo Santo conducted by the Irish Dominicans at Lisbon in Portugal. He received detailed accounts of the Philadelphia troubles from a parishioner, Thomas Maitland, who described Bishop Conwell as "an honest and sincere divine, [but] perhaps the most injudicious appointment made by the Sacred College for the course of a century."[\[41\]](#)

Maitland and several other parishioners asked Harold to return to Philadelphia to support Bishop Conwell in the battle against the Hoganites. The idea appealed to the Irish friar. He had already written an impassioned defense of his character and former actions in the States, seeking to clear his name with the Propaganda. Now he obtained from that office a patent as "missionary of honor" to Philadelphia and sailed to the rescue in the late spring of 1821.

Finding the situation incredibly complicated, Harold convinced Bishop Conwell to send for John Ryan to add another able cleric in Conwell's ranks. Ryan received permission from the Vicar-General of the Order, Pius Maurice Viviani, to transfer to the American Dominican province in May of 1822. He arrived two months after a violent riot attended an election of parish trustees, when only Hoganites were elected. But Hogan fell into disgrace through his relations with a woman parishioner and was removed from St. Mary's. The trustees then engaged a priest named Angelo Inglesi to replace him. However, thanks to clever detective work by William Harold, Inglesi was proven to be no priest at all. He was a former French soldier, adventurer, actor and missing husband of a Canadian woman.

Determined not to recognize Bishop Conwell, the trustees procured a young Irish priest named Thaddeus O'Meally for their church, which was now under interdict. The main point of

the dispute now was the exercise of the *jus patronatus* and the trustees' claim that the right to govern the church rested not with the hierarchy but with the laity.[42]



St. Joseph's church in Willings Alley, Philadelphia c. 1814, with three of the Sisters of Charity whom M. Elizabeth Seton brought to Philadelphia to open their first orphanage.

Faced with these claims Archbishop Maréchal of Baltimore was goaded into action. By the end of 1824, O'Meally was excommunicated and another round of negotiations began that lasted throughout the following year.

Just as the bishop's party began to see the possibility of eventual victory, Conwell capitulated to the trustees. He made a separate peace with them and signed a concordat which gave them just about everything they wished, including a version of the *jus patronatus*. Two key provisions agreed to the "right of presentation" of pastors and a demand that Rome decree that no future bishops be appointed without "the approbation and at the recommendation of the Catholic Clergy of this diocese." [43]

Thoroughly disgusted at Conwell's capitulation, Harold, Ryan and others of the bishop's party promptly sent a copy of the document to Rome. Propaganda officials informed the bishop that his agreement with the trustees was unacceptable. Faced as well with the disapproval of Harold and Ryan, Conwell turned against them. On December 1, 1826, he gave Harold a note which read in part, "in consequence of your insulting language and behavior to me on many occasions, I cannot recognize you any longer as my Vicar General." [44] Harold protested his innocence and loyalty. He asked Conwell for a specific charge, since "that which you are pleased to allege is too vague and general to be susceptible of examination at the tribunal to which, I fear, I shall have to appeal." [45]

This threat goaded Conwell into more drastic action. On April 1, eight clergymen met at St. Augustine's Church and signed a resolution to the effect that "in consequence of the very reprehensible conduct of the Rev. Wm. Vincent Harold in regard to his Bishop for some time," the bishop would be justified in suspending his faculties.^[46] Two days later the bishop withdrew the faculties of both Harold and Ryan. Harold reacted with a civil lawsuit against the eight priests, charging them with libel and demanding a public apology.

According to later commentators, Harold thus made the first of two major mistakes. To bring a civil suit against a fellow priest merited excommunication. Harold never intended to go through with the suit, his friends believed. He intended only to frighten the clergymen into a retraction and apology. This was what happened. Some of the men stated that they had never seen the charges before April 1; they were pressured into signing to support the bishop's authority. Harold achieved his purpose, but his method created doubts in high places concerning the soundness of his judgment.

When Harold protested his suspension to Archbishop Maréchal, the Baltimore prelate declined to interfere. The Holy See, he said, was the only tribunal to which Harold could appeal. Maréchal was bombarded with letters for and against the participants. On May 1 he received from an impressive list of trustees and pewholders a letter disapproving of the suspension of Harold. The writers were ready "to open a correspondence with proper authorities of the Catholic Church [to] obtain a speedy and permanent redress of the grievance of arbitrary suspension."^[47]

Archbishop Maréchal soon abandoned his policy of non-interference. He sent a full account of the matter to the Vatican and explained to a friend in Rome that there would be "no peace as long as he [Harold] remains in Philadelphia. The same may be said of the Bishop."^[48] Meanwhile Conwell took another turn, officially appointing Harold and Ryan pastors of St. Mary's! He gave them all the "necessary faculties for that purpose."^[49] Finally at the close of 1827, everyone at St. Mary's seemed content.

However, the Propaganda officials had been studying all the previous complaints and had consulted the Master General of the Order of Preachers. On March 6, 1828, Capellari directed Bishop Conwell to come to Rome with all due haste and appointed a pastor for St. Mary's in Philadelphia. He directed the friars Harold and Ryan to leave Philadelphia for Cincinnati, to serve with Bishop Edward Fenwick, their confrere, in the "functions of the sacred ministry."^[50] The Dominican Master General sustained the assignment from Propaganda, reminding the two friars that "the will of the pope is the law and rule to be obeyed at all times. . . . The spirit of our institute demands this kind of obedience." He went on to describe the work of the Order in Ohio and added words which the two friars later made good use of: "Should you not embrace the wise alternative, you know the consequences."^[51]

The explicit directives, including the call of Bishop Conwell to Rome, sparked many rumors. To make the facts known, Bishop Conwell had Cappellari's letter printed in a pamphlet, to the dismay of Harold and Ryan. They believed that the public would take the Pope's order to leave as a slur on their characters. They refused to go to Cincinnati and waged an intensive campaign to have their assignment rescinded. They claimed that the publication of the Pope's order put a whole new slant on the matter. Fellow citizens would think that "a foreign prince" could pass a

sentence of removal on other Americans, putting the Holy See in a very bad light. Americans were free to choose their place of residence. For an outside power to remove someone to another state was to violate the laws of the Republic. Harold and Ryan had a duty to preserve American Catholics from "any suspicion of a divided allegiance."[\[52\]](#) This argument remained the essence of all their protests.

William Harold was an American citizen, but John Ryan's request for citizenship was pending. Harold asked Henry Clay, Secretary of State, to intervene with the Vatican on their behalf. He claimed protection by the President from foreign interference with his American civil liberties. Ryan wrote that his removal to another state would delay by at least another year his achievement of citizenship. The request traveled from Henry Clay to two diplomats in France: the American minister and the papal Nuncio. Clay and the minister, James Brown, consulted various authorities and concluded that the controversy was a matter of the spiritual authority of a religious superior over subjects who had willingly joined the organization and agreed to keep its laws.[\[53\]](#)

On learning that the United States government would not interfere to keep them in Philadelphia, Harold and Ryan sent Clay their thanks for his efforts, summing up once more their case against Bishop Conwell and Rome. Minister Brown summed up the whole affair "a delicate subject to be meddled with by a government like ours founded upon the principle of letting alone all religions."[\[54\]](#)

Harold and Ryan lingered in Philadelphia through the winter. In the spring of 1829 they went, not to Cincinnati, but back to Ireland. Ryan eventually settled in the Dominican priory at Cork and was in much demand as a preacher throughout the country. Harold became the first head of the Dublin priory, then of the entire Irish Province, serving successfully in both positions. Their confreres evidently considered the pair "more sinned against than sinning." They had been instrumental, after all, in putting a stop to Hoganism in Philadelphia. Perhaps their impetuous errors of those years helped to prune them for later growth.

NOTES

1. William Vincent Harold, O.P., to an unnamed lady of Dublin, **American Catholic Historical Society Records** (ACHSR) 14 (1897):14.
2. Material on trusteeism is excerpted from chapter 2, "European Catholic Environment," Patrick W. Carey **People, Priests, and Prelates** (Notre Dame: Notre Dame University Press, 1987) 25-28.
3. Michael Egan to John Carroll, Philadelphia, Dec. 19, 1808, Notre Dame University Archives (UNDA) CABA 1/15.
4. Egan to Carroll, Dec. 19, 1808.
5. Circular "To the Pewholders of St. Mary's Church," Philadelphia, May 18, 1809.
6. "Bishop Egan and the Trustees of St. Mary's," ACHSR 21 (1904): 103.
7. ACHSR 14 (1897): 26.
8. "Reverend James Harold, the Botany Bay Irish Convict Priest of Philadelphia, 'The Cause' of the Direful Dissension at St. Mary's Church, 1812-12,," ACHSR 14 (1897): 25.
9. Papal Nuncio to Brazil to Bishop Michael Egan, Rio de Janeiro, Ja. 10, 1811, Archives, Archdiocese of Baltimore (AAB) 5 S9. In addition to a letter of introduction, the Nuncio had Father Harold bring a portrait of the Holy Father for Archbishop Carroll.
10. Egan to Carroll, Philadelphia, Mar. 16, 1811, UNDA, CABA 1/18.
11. Anthony Kohlmann, SJ, to Archbishop Carroll, New York, Apr. 1812, AAB 4L 13.

12. John Ryan, OP, to Carroll, Philadelphia, May 21, 1812, AAB 7 L 10.
13. Ryan to Carroll, May 21, 1812.
14. **ACTA**, Propaganda Fide, 1821, ff. 158-159.
15. Egan to Carroll, Philadelphia, Jan. 14, 1812, AAB 3 15.
16. Egan to Carroll, Philadelphia, Jan. 25, 1812, AAB 11B MI.
17. Egan to Carroll, Jan. 25, 1812.
18. ACHSR 14 (1897): 26.
19. ACHSR 14 (1897): 27.
20. Egan to Carroll, Philadelphia, Oct. 29, 1812, ACHSR 19 (1902): 410.
21. Chevalier de Onis to Carroll, Philadelphia, Mar. 6, 1813, AAB 11 B M 1
22. Memorial addressed to John, Archbishop of Baltimore by parish of St. Mary's Church, 1813. Archives of the Riggs Library, Georgetown College, collection of J. G Shea, Case 4.
23. Carroll to William Harold, Baltimore, Feb 20, 1813, AAB, Carroll Letter Book.
24. Egan to Carroll, Philadelphia, Mar. 5, 1813, AAB 11 B M 1.
25. Patrick Kenny to Carroll, Philadelphia, July 26, 1814, AAB 6 R 3.
26. **ACTA**, Propaganda Fide, 1815, fol. 284.
27. Archives Propaganda Fide, America Centrale (APF), vol. 146. The petition, which the signatories had formally notarized, was dated Feb. 22, 1820.
28. In a letter to Cardinal Lorenzo Litta of Propaganda, Connolly relates that upon his arrival in New York his flock numbered about thirteen thousand with four priests to care for their needs. Three of the priests were Jesuits and the fourth was Carbry. John Connolly to Litta, New York, Feb. 25, 1818, APF, America Centrale, vol. IV, 74r-77r.
29. Shortly after his departure from New York, the trustees of the congregation wrote a letter of gratitude to Carbry for his devoted service. The letter was published in **The Norfolk and Portsmouth Herald**, June 16, 1819. Cited by Victor O'Daniel, *The Carbry Case*, 203, ms., SJP.
30. Peter Guilday, **The Catholic Church in Virginia 1815-1822** (New York: The United States Catholic Historical Society, 1924) 49.
31. The testimonials were from Patrick Gibbons, former provincial of the Irish Dominicans; Pietro Antonio de Pretis, Vicar of the Master of the Order; and John Chiesa, Procurator of the Order at Rome. APF, Sept. 13-14, 1817.
32. Connolly to Maréchal, New York, Apr. 9, 1818, AAB 14 T 3.
33. Maréchal to Litta, Baltimore, June 16, 1818. Cited in O'Daniel, *Carbry Case* 106.
34. Carbry to Joseph Faraldi, OP, Nov. 22, 1818. Translation from the Italian found in the SJP, Carbry file. This is one of only two extant letters indisputably written by Carbry. The other contained similar information and was sent to Cardinal Litta at Propaganda, July 30, 1817.
35. In his research on Carbry, Victor O'Daniel, OP, discovered three different copies of the Hayes letter in Propaganda archives. Presumably, one of them should have been the original in Carbry's hand. But after careful comparison of the three with Carbry's letters to Faraldi and Litta, O'Daniel came to the conclusion, later corroborated by a handwriting expert, that none of these actually matched Carbry's handwriting.
36. Maréchal to Carbry, Baltimore, June 9, 1819, AAB, Letterbook, "Norfolk."
37. **Pastoral Letter to the Catholic Congregation of Norfolk, Virginia**, Sept. 28, 1819. Photostat copy SJP, Carbry file.
38. Lucas to Maréchal, Norfolk, Feb. 5, 1821, AAB, 181 44. Translation taken from O'Daniel, *Carbry Case* 364-65.
39. Two possible answers to the mystery: Carbry received his commission in the form of a secret **vivae vocis oraculum** or an oral command given by the pope through the mediation of Cardinal Litta, SJP, Carbry manuscript, 25657 or, authorization from Pius VII had come through the Dominicans at the Minerva, whom the pope visited with some frequency. Clodoald Mercier, O.P., to Bernard Walker, Rome, Apr. 24, 1936, SJP, Carbry file.
40. "The Church in Philadelphia in Early Colonial Days – St. Mary's and the Hogan Schism," ACHSR 17 (1900): 168-9.
41. Thomas Maitland to William V. Harold, Philadelphia, Apr. 17, 1821, APF America Centrale, vol. 6.
42. William Harold to Archbishop Maréchal, Philadelphia, Sept. 24, 1823, AAB.
43. Concordat signed by Bishop Conwell and Messers. Meade, Ashley and Randall for the Trustees, Philadelphia, Oct. 9, 1826. Copy in the Archdiocese of Philadelphia Archives (PAA).
44. Conwell to Harold, Philadelphia, Dec. 1, 1826, AAB 22 D3.
45. Harold to Conwell, Philadelphia, Dec. 1, 1826. AAB 22 D.

46. "Against Harold," Philadelphia, Apr. 1, 1827. The signers were the priests Bernard Keenan, John O'Reilly, Edward Mayne, Michael Hurley V.G., Thomas Hayden, T.J. Donoghlan, John Hughes, and R. Baxter — the last — named cleric, the one who served as secretary and drew up the document. APF, America Centrale 6. Copy in SJP.
47. Carey, Meade and Borie to Wm. V. Harold, Philadelphia, May 1, 1827, PAA.
48. Maréchal to Dr. Gradwell, June 22, 1827, AAB.
49. Conwell to the Trustees of St. Mary's, Philadelphia, Oct. 17, 1827, ACHSR 28 (1911): 325.
50. Cardinal Maurus Cappellari to Bishop Conwell, Rome, Mar. 8, 1828, ACHSR 28 (1911): 327-28.
51. Giuseppe Velzi, OP, to Very Reverend Father [Harold], Rome, Feb. 29, 1828, ACHSR 28 (1911): 327-28.
52. Harold and Ryan to Cappellari, Philadelphia, June 30, 1828, ACHSR 28 (1911): 335.
53. James S. Hopkins, ed., **The Papers of Henry Clay**, vol. 7 (Lexington, Ky.: University of Kentucky Press, 1982) 372. [Velzi's term "consequences" referred only to spiritual sanctions and not to physical coercion.]
54. James Brown to Henry Clay, Paris, Dec. 30, 1828, **Henry Clay Papers**.