

**"PUBLIC" VS. "PRIVATE"**  
**COLLEGES IN 19TH CENTURY MASSACHUSETTS:**  
**THE ORDEAL OF THE COLLEGE OF**  
**THE HOLY CROSS IN 1849**

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I

Unlike the history of most colleges, the early history of the Holy Cross in Worcester, the first Catholic College in New England founded by Bishop Joseph Fenwick in 1843, is difficult not to describe somewhat dramatically.<sup>(1)</sup> The age-old conflict between Catholicism and Protestantism, which underlay the subject, cannot but incite historians' emotional reactions of one kind or another. This especially applies to the College's unsuccessful effort to obtain a charter from the State of Massachusetts in 1849. So entangled was the incident with the rising Catholic-Protestant contest that historians attribute the failure, as does S.A. Erbacher, largely to the bigotry of the majority of the legislature of the State."<sup>(2)</sup> Although the role of "bigotry" can by no means be ignored, the author in this essay would rather follow the approach of Father Edward I. Devitt who, while emphasizing the prejudice held by Protestants, extensively analyzes more rational arguments promoted by the opponents.<sup>(3)</sup> Moreover, the author would like to establish a relationship between the 1849 "defeat" and the status of Protestant colleges in Massachusetts around the period. In this way, he would like to elucidate the significance of the 1849 incident not only for the Holy Cross College or for American nativism, but also for an evolution of the colleges in 19th century Massachusetts.<sup>(4)</sup>

## II

Reactions from the Protestants immediately followed the foundation of the Holy Cross College. In June, 1843, when the College laid its cornerstone, the General Association of Massachusetts appointed a Committee on "Popery" consisting of three Congregational ministers: Rev. W. Allen of Northampton, Rev. G. Allen of Worcester, and Professor B.B. Edwards of Andover Theological Seminary. Prepared by Rev. W. Allen, the "Report on Popery" (1844) was mostly devoted to the refutations of the Catholic doctrines with reference to Pope. However, the Report simultaneously mentioned a few impending domestic problems created by the recent "onslaught" of the Catholics. Especially noteworthy were their efforts to construct influential educational centers in the West.<sup>(5)</sup> Even in New England, however, the Catholics eagerly promoted a similar undertaking. "We have seen recently", stated the Report, "in the chief interior town of this Commonwealth, that the foundation of a Catholic college has been laid, although we have in this State three well-organized and flourishing colleges, open as well to Catholics as to Protestants, rendering such an institution totally unnecessary for any purpose of education."<sup>(6)</sup>

The author of the Report, Rev. W. Allen, probably either bluffed or, more unlikely, remained uninformed of the current status of the three Protestant colleges. For the three, especially Amherst, then were not so much flourishing as they were well-organized. Perhaps Allen knew this well, since at the end of the Report he stated the following:

The emigrations from Europe are constantly welling the Great Catholic stream in the West; and if there is danger of a desolating flood, it will be necessary to strengthen the levee, the embankment against the rise of waters. Our own Protestant institutions must be *supported and enlarged*; the pure gospel must be preached; the uncorrupted truth must be imparted. . . .<sup>(7)</sup>

The colleges in Massachusetts as part of the "Protestant institutions" had to be enlarged. For, in this period, they did not grow, not simply in proportion to the State's population growth, but even in their own terms. The Protestant colleges, especially Amherst, had been in serious trouble.

Table I indicates the changing number of matriculated freshmen in the three colleges for each five-year period starting in 1824. The table shows that the number of matriculated freshmen did not increase markedly during the entire period. On the contrary, in-State freshmen decreased sharply in the last five-year period. The table also indicates that the patterns of change differed considerably among the colleges. Harvard's freshmen remained rather stable, despite the apparent encroachment by Amherst in the second five-year period. The figures for Williams show a small but steady increase, except for those of in-State freshmen for the last ten years. In contrast, Amherst witnessed a major decline from the early 1830s, especially with reference to in-State freshmen.

**Table I: Number of Matriculated Freshmen in the Colleges<sup>(8)</sup>**

	1824-28	1929-33	1834-38	1839-43	1844-48
<b>HARVARD</b>					
In-State	250	208	216	256	250
Total	281	247	264	311	317
<b>AMHERST</b>					
In-State	156	201	190	151	112
Total	249	300	304	201	187
<b>WILLIAMS</b>					
In-State	35	48	65	62	56
Total	84	115	137	151	184
<b>THREE COLLEGES</b>					
In-State	441	457	471	469	418
Total	614	662	705	663	688

For those who reacted against Catholicism, such as Rev. W. Allen, this difference among the colleges would have counted for much, since their contributions to orthodox Protestantism diverged greatly around this period. Take, for instance, the number of students supported by the American Education Association, a Congregational and Presbyterian organization for the aid of indigent youngsters who had the career of ministry in view. For the six year period starting in 1844, it gave grants to, on average, 39 such students in Amherst and 7.5 students in Williams per year, while it had only 1.7 such students per year at Harvard.<sup>(9)</sup> Similarly, throughout the period Amherst and Williams produced from 47 to 62 and 27 to 51 percent of their graduates as ministers, respectively. Harvard sent out only between 8 and 19 percent of its graduates as clergymen.<sup>(10)</sup> These facts suggest that, for Congregationalists like Allen, the figures for Amherst (and perhaps for Williams) were much more vital than those for Harvard. For Amherst had held the key to the supply of future ministers, especially orthodox ones, while Harvard had not. From such a point of view, the figures of matriculated freshmen would have had to be weighted so that they stood for relative significance for orthodox Protestants. Table II presents weighted figures. Here, each number represents each in-State figure as multiplied by the proportion of ministers among graduates of the individual college for each five year period. For instance, since Harvard sent out, on average, 19.0 percent of graduates into ministry during the 1820s, the weighted figure for Harvard for 1824-28 is:  $250 \times 0.19 = 47.5$ . Because a similar percentage for Amherst was 61.6, the adjusted figure for Amherst for the first five-year period is:  $156 \times 0.62 = 96.7$ , and so on. Table II shows that the number of such freshmen wanted by orthodox ministers in Massachusetts had been on constant decline from the very beginning of the entire period. The downward trend was especially sharp for a decade leading to 1848, from 156 to 87, or a decrease by more than 44 percent.

**Table II: Weighted Number of Freshmen in the Colleges<sup>(11)</sup>**

	1824-28	1829-33	1834-38	1839-43	1844-48
HARVARD	48	31	24	20	20
AMHERST	97	107	110	76	52
WILLIAMS	18	21	22	19	15
TOTAL	163	159	156	115	87

All this occurred in the midst of a steady increase of Massachusetts population, which grew from some 557,000 (estimated) in 1825 to 866,000 (estimated) in 1845, or by almost 53 percent.<sup>(12)</sup> When projected against this change, the freshmen enrollment figures present an even more gloomy picture. Table III shows the average number of collegiate freshmen per year per 100,000 population in the State around each year indicated in the Table, along with a similar number for each weighted figure in Table II.

**Table III: Number of In-State Collegiate Freshmen per Year per 100,000 Population<sup>(13)</sup>**

	1825	1830	1835	1840	1845
Three Colleges: Raw figures	19.5	18.7	17.5	15.9	12.1
Three Colleges: Weighted figures	7.1	6.5	5.8	3.9	2.5

As is clear from Table III, the total number of in-State freshmen in the three colleges steadily deteriorated throughout the period. Naturally, the case is even worse for weighted figures. By 1845 one found in the colleges in Massachusetts only 2.5 freshmen per 100,000 population who might have had ministry in view, when he could have found 7.1 such ones only two decades before. The Protestant colleges in the Old Colony had to be "supported and enlarged". Otherwise, the fountains of future ministry would all but dry up, and the influence of Protestantism would be very much diluted.

## III

This decline in enrollment apparently caused the Amherst administration to file a petition for pecuniary aid. In February, 1847, President Edward Hitchcock and three others of the College sent to the General Court a request for "a grant of twenty five thousand dollars, with a township of land in Maine."<sup>(14)</sup> In order to justify their application, the petitioners cited four major reasons. First, for the past two and a half decades, the College had produced more than four hundred ministers, of whom about one hundred were serving as pastors in Massachusetts. Second, in spite of this fact, the State did not grant any aid to Amherst, while it had amply aided other Colleges. Third, Amherst's pleas had been rejected in the past due to stringent finances in the State Treasury, which now seemed improved. Finally, after a few decades, the College had permanently established itself, and the Commonwealth would never waste money by assisting a dying institution. In short, Amherst asked for aid, claimed Hitchcock and others, not out of fear of its decline, but rather because the limited income for instruction had temporarily forced them to curtail the faculty's salaries. It was to undo this unusual circumstances that the College needed the State's munificence.<sup>(15)</sup>

The Joint Special Committee, to which the petition was referred, largely confirmed the points in the petition and strongly supported the petitioners' cause. In its analysis of Amherst's financial plight, however, the Committee's report delved deeper. Because of their terms and conditions, the donations and legacies of the College had been producing very limited income "available for the purposes of instruction." This forced the College to defray its ordinary expenses out of the term bills and other payments by students. Even in a healthy condition, no college could survive on such revenue alone. To her special handicap, Amherst had some twelve thousand dollars in debt whose interest she had to pay continually out

of her income from students. Hence, some unusual measures for economy. Unless the debt was somehow liquidated, the College's financial trouble would singularly worsen. "A clear case of exigency, then, for an appropriation of money by the State to this college, has, at this time, arisen."<sup>(16)</sup> Had the Committee mentioned the decline in enrollment, Amherst's plight would have been as clear as the sun.

In the process of discussing the matter, the Joint Special Committee pronounced that the colleges could not be sustained by term bills and private donations alone, and that they would need some assistance from the State. In recognizing this necessity, the Committee simultaneously re-affirmed that the colleges were public institutions. As the first reason for supporting Amherst, the report gave the following: "Because it appears beyond question, that the public good and public necessity require such an institution."<sup>(17)</sup> The need of the State aid to colleges, as well as the emphasis upon their public characteristics, re-enforced each other in the Legislature in 1847. And the Commonwealth actually gave Amherst five thousand dollars annually over five years.<sup>(18)</sup>

The resurgence of such ideas in the Legislature, followed by its positive decision on Amherst, soon induced the three colleges to apply for a more drastic system of State aid. In January, 1848, they cooperated to request the Commonwealth to set aside for them a permanent fund independently of the existing School Fund.<sup>(19)</sup> The three Presidents, Edward Everett, Mark Hopkins, and Edward Hitchcock, expounded their proposition in the following way. Even though there existed in Massachusetts "great and increasing demands" for collegiate education, the means with which fully to respond to these were "lamentably deficient in our best institutions." These facts brought about two negative effects: first, tuitions and other expenses became high, and many "whose education would be in the highest degree useful to the public cannot even attempt to seek it"; second, many of those who entered the colleges confronted obstacles to

their progress, "for want of the books and collections which cannot yet be found in this country." Inasmuch as private munificence could not offset such deficiencies, the Presidents designated it as the State's role to make an "ample and permanent provision for the best education of the whole people."<sup>(20)</sup>

Before a hearing of the Joint Committee on Education, Everett and Hitchcock elaborated their points. On behalf of Harvard, Everett preferred two kinds of purposes for which it demanded aid. First, Harvard would reduce therewith the annual charge for "young men of moderate circumstances" and would establish scholarships for meritorious but poor young men. This would have the effect of widening the class sending their sons to college, as well as of enabling bright indigent students fully to concentrate on study. Second, the College would procure "apparatus in various scientific departments" and would increase and update its academic library. Without these, new truths and facts could not be illustrated in class and Harvard could not serve the variety of needs of her instructors and numerous students.<sup>(21)</sup> Edward Hitchcock of Amherst followed Everett. Despite the wide-spread charges that colleges were aristocratic and were unresponsive to "the wants of the age", held Hitchcock, their central role in higher education would remain unchallenged. Unlike other schools (scientific, agricultural and normal), colleges would send out graduates who could and would engage in extensive activities. Instead of trying to search for substitutes, those in and out of the colleges should improve them to moderate these criticisms. Having had lately suffered from a diminishing student body, Amherst wanted to "keep the charges to students as low as they are now." The Commonwealth, on the other hand, should second private efforts by supporting, for instance, Harvard's Lawrence Scientific School as a seedbed of practically-oriented scientific training. Similarly, the State should extend help to other colleges endowed with scientific collections, which, when fully utilized, would educate many useful men. Moreover, the



colleges such as Amherst would further promote the State's interests by preparing future clergymen who would "exert a great influence upon the character of common schools." In this way, the ultimate purpose of the application for aid lay, concluded Hitchcock, not in "the cause of learning merely, but the public good."<sup>(22)</sup> Given Amherst's straitened economy deriving from a decreased student body, Hitchcock's pleas represented almost desperate attempts to retrieve for the colleges a publicly sanctioned niche in the industrializing and religiously-diversifying Commonwealth.

The Presidents' efforts proved rather unsuccessful. In the Joint Committee on Education there occurred a sharp split with reference to the petition. A majority headed by Erastus Hopkins strongly recommended the creation of a fund for the colleges, a proposal to which a minority in the Committee opposed equally strongly. According to Hopkins, the College in Cambridge, along with the other two, could not avoid depending upon tuitions, due to limited general funds vis-à-vis specific funds. This rendered college education inaccessible to people, which tended to promote class society, a formidable enemy of the republic. Moreover, recent advancement in science entailed the constant acquisition of philosophical apparatus. These conditions combined to render enduring State support necessary. Indeed, in the near future, "the erection and maintenance" of a university would be "utterly beyond the compass of private sources."<sup>(23)</sup> In response to the three Presidents who had "no other than a public interest in this matter", therefore, the State of Massachusetts should "sustain and cultivate our colleges, (and) enlarge and confirm the strongest fortresses of a free people."<sup>(24)</sup>

To the minority who opposed to granting a fund, the colleges seemed hopelessly irrelevant to public demands and were class-oriented. Given the very small number of their students (about 300 in-State ones), as against numerous common school pupils (200,000), the proposed fund would exclusively "benefit *classes* in the community" and would result in a "system

of partial legislation." A permanent income would not only not direct the colleges to "the means and wants . . . of the laboring men", but it would only remove college education "further from the reach of all but a favored few." A specific example was teacher training where the colleges remained quite useless for elementary schools. Those favoring the proposed fund claimed that the colleges would illuminate lower schools. The fact would be exactly the opposite. The elementary schools formed, concluded the minority, "the real foundations of popular wisdom . . . the only aliment upon which academies and colleges can subsist."<sup>(25)</sup>

The majority and the minority of the Committee sharply diverged in their opinion of whether the colleges could really become accessible to the people or quite otherwise. However, both parties shared an assumption: the colleges as public institutions should ideally serve all, not classes. Although the 1848 bill was defeated in the Legislature, the Colleges would try another round the following year. A series of debates on the college fund seems to have highlighted the public nature requisite of the colleges which had been incapable by themselves of sustaining, to say nothing of advancing, their academic programs in mid-19th century Massachusetts.

#### IV

By late 1848, under the presidency of Father John Early, the Holy Cross College had enrolled a few students in the most advanced class, who would be "entitled to Diplomas on their successful graduation in 1849."<sup>(26)</sup> Having anticipated this event, the College presented late in February, 1849 a petition for a charter to the General Court of Massachusetts.<sup>(27)</sup> Drawn up by Orestes A. Brownson, editor of the famous *Quarterly Review*, the petition succinctly stated that the institution had maintained a college level course of "classical and scientific studies" and had been in operation over five years. To enlarge the sphere of its functions, the College

would ask its incorporation with power to hold real and personal estate, as well as with "such powers as are usually conferred on such institutions."<sup>(28)</sup> President Early and Brownson represented the petitioners to appear before the Joint Committee on Education to which the matter was referred.<sup>(29)</sup> In its short report dated March 30, 1849, the Joint Committee rejected the petitioners' request without giving any reasons.<sup>(30)</sup> In the face of some criticism of its acceptance of this recommendation, the House voted to return the report to the Joint Committee early April. Thereupon, the Committee drew up, within another ten days, an extensive document comprising a full range of argument on the matter. The new report consisted of two parts: a majority report prepared by Erastus Hopkins, who had strongly advocated the college fund the year before, and a minority report written by Charles Upham, Lothrop Motley, and R.H. Williams.

Following the old report, the majority of the Committee headed by Hopkins rejected the incorporation of the College of the Holy Cross. Their main point was that the petitioners brought to the Legislature a request that was unprecedented in Massachusetts history, an incorporation of a college which opened its gates only to Catholics.<sup>(31)</sup> Judged in light of the fact that the colleges in the State had consistently extended invitation to youngsters with any religious background, the petitioners' proposal was very unusual. To be sure, as private individuals, Catholics would enjoy all the civic privileges including religious freedom. However, these belonged to the sphere of toleration. Incorporation implied patronage, rather than toleration. The Holy Cross College requested incorporation when it invited Catholic youngsters only. The State Legislature could not comply with such a request without departing from one of its basic principles: i.e. the colleges were public institutions. Massachusetts would not authorize sectarian colleges. Nor would she appropriate public money for their support. For all this contradicted the foundations of the whole educational system of the Commonwealth.<sup>(32)</sup>

In fact, admitted Hopkins, the petitioners' claim was not quite without a precedent. A few decades before, when Amherst College rose as a bulwark of Congregationalism, its incorporation posed a somewhat similar problem: the College could have virtually excluded those students and faculty with other religious backgrounds. Hence, on that occasion, the Commonwealth granted Amherst a charter only on the condition that she would never make such discriminations. Having become aware of this resemblance, the Joint Committee counterproposed to the petitioners a charter similar to that of Amherst with a prohibitory clause on religious discrimination. Thereon, stated Hopkins, the petitioners flatly declined that counterproposal. The State could not incorporate the Holy Cross College as requested without incurring a radical alteration of her principles of incorporation. The petitioners, therefore, had "leave to withdraw."<sup>(33)</sup>

The minority of the Joint Committee agreed with the majority in that the incorporated colleges of Massachusetts should avoid sectarianism. This principle applied not only to Amherst's charter with its specific clause, but also to that of Williams College without any such clause, which the petitioners wished the State to grant them. Prior to the founding of Amherst, no serious religious divisions arose in Massachusetts, and the State did not have to insert such a clause in Williams' charter. The lack of a prohibitory clause in Williams' charter by no means signified that she could select students and faculty on the basis of religious faith. On the contrary, such a clause was absent precisely because Williams and the State then took it for granted that the college was open to the whole public. Thus, it would not be appropriate for the Holy Cross College to request such a charter in 1849 in order legally to justify her religious discrimination.<sup>(34)</sup>

Unlike the majority, however, the minority stared at the glaring facts in demography in mid-19th century Massachusetts. There lived in the area as many as 120,000 Catholics, one seventh of the State population, who played distinct roles in the job-market and who would long remain here.

Despite the majority's claim about the openness of the colleges, these people had been actually placed in "very embarrassing circumstances." The State would have to settle the matter "on its naked merits."<sup>(35)</sup> How should the Legislature reconcile the principle of public colleges and the demands from the Catholic College? Here, the minority gave attention to the incorporated theological seminaries which had been in existence more or less for denominational purposes. The Newton Theological and the Andover Theological Seminaries, incorporated institutions, had conducted virtually the kind of education that was avowed by the Holy Cross petitioners. Why not bestow upon the Holy Cross College the status of a private collegiate institution as "designated to promote the convenience and benefit of a particular sect?"<sup>(36)</sup> Hence the minority proposed to give the petitioners the following. The proposed act should confer upon the College power to hold real and personal estate (Sec. 2), and retain for the Legislature the right to make visitation and investigation (Sec. 3). Most importantly, perhaps, Section 4 stipulated that, until the Holy Cross College accepted the prohibitory clause, it would remain a private corporation and would not make any further claims than those specified above.<sup>(37)</sup>

The conflict between the majority and the minority pointed to a basic question concerning the status of the colleges. The majority maintained that the incorporated colleges were public institutions and had to be open to the entire community, comprised of diverse religious groups. By itself, this was a logical and tenable stand. Although the minority partly accepted this position, they simultaneously insisted that, when blindly clung to in the midst of changed circumstances, such a principle tended to be hollow. Moreover, the mere adherence to the principle would promote tension and embarrassment. When the actual conditions changed, in which distinctly different elements encroached upon common understanding among Protestants, old definitions of collegiate corporation would have to undergo some adjustment. In the minority's judgement, the appearance of the Holy

Cross College before the Legislature entailed the sanction of a new category: the incorporated private college.

When the minority's bill for the incorporation of the Holy Cross College came to the House, Erastus Hopkins delivered two speeches to block its passage. In the first of these two, probably the only speeches on this subject which were printed in toto, Hopkins blasted the idea that the Catholics had been treated unequally. On the contrary, in every sphere including higher education, they were under the "full and equal protection of our laws."<sup>(38)</sup> However, with regard to the Holy Cross College, the point was that it asked for a charter with "such powers usually granted to such institutions", when, in fact, it wanted to secure, through exclusiveness, "corporate powers to a certain religious order, commonly known as Jesuits." The act which the minority advocated would introduce "a feature that is inconsistent with . . . the whole genius of our government, of our people, and of learning itself."<sup>(39)</sup>

Of all educational institutions, colleges had to be public par excellence, since they laid the broad foundation of a liberal education. They certainly needed a religious atmosphere, but a specific religion should never make "the inexorable rule of the institution." Under such circumstances, "RELIGION, far from being the incident of the college, becomes its GREAT END AND AIM . . . there is the wide difference between such a college, and those already established in our state."<sup>(40)</sup> The majority had recourse to the chartering of Amherst, maintained Hopkins, because the Legislature therein prevented "the subjugation of learning to any special type of religion." Amherst represented the only recent precedent of how the Commonwealth chartered her colleges upon a certain kind of principle. "Let individuals establish", held that principle, "what schools they choose . . . but let the sanction and seal of the whole people be given only to those schools and colleges which educate the children of the whole people."<sup>(41)</sup>

From a more general point of view, claimed Hopkins, the Holy Cross

College would confront difficulties relative to its incorporation. Many had entertained the idea that incorporation was a portion of "the fundamental . . . rights of citizens of this Commonwealth." However, just as the State had defended railroads and manufacturing corporations "because of the great facilities they afforded to the public", so, with regard to college charters, she had to see whether or not the public benefits would derive therefrom. "But where and how are these public benefits to result from the proposed college at Worcester" when it was closed to the public? All this pointed to the absurdity of the public announcement of private corporations. At the very end of his speech, Hopkins turned the attention of the House members to Section 4 of the bill proposed by the minority, asking: "Why take such pains to inform the world, that it is only a private corporation?"<sup>(42)</sup>

Probably in part succumbing to Hopkins' contention, Charles Upham, one of the minority, moved to delete Section 4.<sup>(43)</sup> According to Hopkins, the debate still continued "in favor of the bill." Having seen that many in the House took the matter "small and inconsiderable," he stood up again and insisted on its gravity. Those in favor of the bill failed to realize that, once incorporated, this College would soon turn into a full-fledged one. In the following year, the petitioners would request a power to confer degrees. In yet another year, (as shown by Amherst only recently!), the College might turn up with a plea for financial assistance. The new College, allegedly a "private" corporation, held Hopkins, surely would "become a 'public' one."<sup>(44)</sup>

A supporter of the bill had claimed that, concerning a private corporation, the House should discuss only "the general end it has in view." Taking advantage of this suggestion, Hopkins finally proceeded to ask about the general end of the Holy Cross College. Here his questions and answers were categorical. (1) Who were these petitioners? (2) What form of Sectarianism, or Religion, was it which they proposed to teach? They were Jesuits, who,

through obedience to superiors, were entirely and inflexibly subordinate to Rome. It was the Roman Catholic Religion, which interposed "an Hierarchy and Priesthood between men's souls and their God."<sup>(45)</sup> These practices contradicted the tradition of civil and religious liberty which originated with Luther and which the Protestant America nurtured. While the State Constitution separated the worship of the SUPREME BEING and the cherishing of literature and sciences, the Holy Cross College appeared before the Legislature as an "anomalous religio-literary institution."<sup>(46)</sup> In this way, Hopkins' second speech largely coincided with the anti-Popery propaganda of the day.<sup>(47)</sup>

After the deletion of Section 4, the House voted on the bill proposed by the minority. It lost by a vote of 84 to 117, as the Holy Cross College's application for a charter in 1849 ended a failure. This did not quite mark the closure of the incident, however. Shortly after the Legislature's decision, Orestes A. Brownson, who drafted the petition, published in his Brownson's *Quarterly Review* a systematic rebuttal of the case, probably the only organized pronouncement made by one of those who initiated the application for incorporation.

Though divergent in their recommendations, both the majority and the minority of the Joint Committee invariably found "novelty" in the request from the petitioners. Brownson totally disagreed with both on this point. The petitioners declined the Joint Committee's offer of a charter similar to Amherst's, argued Brownson, not because they sought unusual conditions, but because the offer took away from them religious freedom, a freedom guaranteed of everyone prior to any application for a charter. Judged by this universal right, the prohibitory clause in the Amherst charter actually represented the State's attempt to "suppress the religious liberty of literary institutions."<sup>(48)</sup> The Amherst case was exceptional, since the Commonwealth had granted the kind of charter which the Holy Cross requested, to a number of educational institutions such as Williams, the



Baptist Theological Institute at Newton, the Wesleyan Academy at Wilbraham, and the Congregational Seminary at Andover. What was novel and unusual was not so much the request from the petitioners as the offer made by the Joint Committee. The petitioners' demands were "in perfect accordance with the principles, with one exception, sanctioned by the uniform practice of the legislature."<sup>(49)</sup>

Erastus Hopkins had asserted that the Legislature should not give charters to private organizations. Given the abundance of private institutions in the State, this again was "the extremely radical doctrine of the subject." When it was strictly applied, educational institutions such as Andover Theological Seminary simply could not exist. On the contrary, people considered education in the State as something public, and thus they had given public grants even to the University at Cambridge, to Williams and Amherst colleges. In other words, the Commonwealth itself held "the literary and scientific education of the few to be for the benefit of the many, — for the benefit, in fact, of the public."<sup>(50)</sup> Corporations were public, in so far as they served parts of the community, without doing harm to other members. In the past several years the Holy Cross College had fulfilled these conditions and, as a consequence, was fully entitled to incorporation.

Unlike Hopkins' allegation, the Holy Cross College, as a literary institution, made the Religion "incidental to the main design." When religion entered into colleges, it inevitably would do so "in the form of some particular denomination." Since the General Court did not have any authority to discriminate among different denominations associated with this or that college, it could not refuse a charter to a college because of its particular religion. If the college claimed the right "to admit only such as will conform" to its religion, "that may be a good reason for not chartering it as a college to be supported at the public charge." However, such would be no good reason at all "for refusing to charter it as a college to be supported

by the private funds of the denomination under whose influence it is established.”<sup>(51)</sup>

In fact, as any sensible observer would find, none of the existing colleges were totally free from conforming students to their religion. In Massachusetts various religious views existed, dividing the community into different denominations and sects. The State could not overlook them and “deal with her citizens as if they were all of the same religion.” Why not let the Commonwealth admit, instead of viewing colleges as simply public, that all the colleges were in fact private institutions? In other words, a solution lay in every denomination’s having “its own denominational college, supported, indeed, not from the public treasury, but from its own private funds.”<sup>(52)</sup> From Brownson’s point of view, the chartering of the Holy Cross College could have marked the State’s first step in that direction.

## V

Thus, the author would like to conclude, the circumstances of the Protestant colleges in Massachusetts, along with other elements such as nativism, provided a background to the 1849 defeat of the Holy Cross College. In the years preceding the founding and the attempted incorporation of the Holy Cross, these colleges, notably Amherst, had experienced a stagnation and even clear decline in the midst of the ever growing general population. Advancement of science made it almost imperative for the colleges constantly to acquire new apparatus as well as literature. These conditions combined to instigate their application for the grant of a permanent fund from the State. In this process they confronted opposition from those supporting “public” common schools, who openly called into question the worth of the colleges for the Commonwealth. Those on the side of the colleges, like Erastus Hopkins, had to persuade the opponents of their “public” character, which proved to be a difficult task by mid-19th

century. Unlike common schools, the colleges could not accommodate all the sons and daughters of the State. On the contrary, they were, in relative terms, at least, very much shrinking. On the other hand, the supply of future ministers could no longer entitle them to special privileges, largely because of the decline of orthodoxy which was accompanied by serious religious splits. As the last resort, those in favor of the colleges emphasized that they could give liberal training to any member of the Commonwealth, potentially, who wished to receive one, regardless of religious faith.

It was in the wake of the emphasis upon the "public" nature of the colleges that the College of the Holy Cross appeared with the request for a charter. The College made the application partly on the principle of her "exclusiveness." To Hopkins and his allies this must have been anathema, because the approval of "exclusive" college would have undermined the "college-is-public" idea. In the face of this formalistic argument, the minority countered with a plan of "private" college corporation. It would be sustained by private funds, but, at the same time, the State should duly recognize its educational contribution to a considerable number of her population. This plan originated as a political compromise. Yet, it simultaneously sharply reflected the problems surrounding the colleges of the period. The Holy Cross College had to sustain an almost miserable defeat in 1849. Nonetheless, those who argued for the College's charter did not do so in vain. On the contrary, their emphasis on "private" colleges proved more realistic as well as prophetic in time than the position of Erastus Hopkins.

Sixteen years after the defeat, the Holy Cross College in 1865 applied for a charter and, this time, obtained one successfully from the Commonwealth. Symbolically enough, in the same year, Harvard started as a "private" university. After a series of struggles with the State over her government which started in 1850, Harvard finally established the rule of the alumni control of her Board of Overseers. Soon Williams and Amherst

followed.<sup>(53)</sup> Thus, in 1865, the Holy Cross College did not simply gain its charter. It stood on literally the same footing with the old college(s) as well, fulfilling its prophecy. The colleges would no longer be "public=State" institutions. During the 1860s and early 1870s, Massachusetts would still sustain at least two "public" institutions of higher learning: the Museum of Comparative Zoology at Cambridge (1859- ) and the Massachusetts Agricultural College at Amherst (1863- ).<sup>(54)</sup> Like the colleges of the day, these accommodated only a limited portion of youngsters in the State. Unlike the colleges, however, these institutions could help to preserve and disseminate traditional values by the allegedly indisputable "scientific" methods of biological studies. Whatever the true cause of their rise as "public" institutions, one cannot overlook the fact that there occurred simultaneously a shift in the status of the colleges from "public" to "private" ones, to which the unsuccessful 1849 petition from the Holy Cross College gave a definitive impetus.

# FOOTNOTES:

- (1) The major historical writings of the early Holy Cross College are: Walter J. Meagher and William J. Grattan. *The Spires of Fenwick: A History of the College of the Holy Cross, 1843-1963*. New York, 1966, pp. 17-81; Edward I. Devitt. "College of the Holy Cross, Worcester, Mass. 1843-1914." *Woodstock Letters*, 64 (1935), pp. 204-237; Anon. *Historical Sketch of the College of the Holy Cross, Worcester, Massachusetts, 1843-83*. Worcester, 1883; Anon. *Historical Sketch of the College of the Holy Cross, Worcester, Massachusetts*. 1876.
- (2) S.A. Erbacher. *Catholic Higher Education for Men in the United States, 1850-1866*. Washington, D.C. 1931, p. 14. For nativism and Catholic higher education in America, see: Cecilia Meighan. *Nativism and Catholic Higher Education, 1840-1860*. Ed. D. Thesis, Columbia Univ., 1972.
- (3) See Devitt. *op. cit.*, pp. 218ff.
- (4) On this see my "The Colleges and the State in Mid-Nineteenth Century Massachusetts." *Journal of the Midwest History of Education Society*, 13 (1985), pp. 113-131.
- (5) On this see Lyman Beecher. *A Plea for the West*. Cincinnati, 1835.
- (6) William Allen. *Report on Popery, Accepted by the General Association of Massachusetts, June, 1844*. Boston, 1844, p. 27.
- (7) *Ibid.*, pp. 27-28. (Emphasis added.)
- (8) See my "The Colleges and the State . . ." p. 119.
- (9) See the American Education Society, *Annual Reports*, (Boston), 1844, p. 7; 1845, p. 7; 1846, p. 11; 1847, p. 6; 1848, p. 8; 1849, p. 10. On the Society's activities in Ante-Bellum America, see Natalie A. Naylor. "'Holding High the Standard': The Influence of the American Education Society." *History of Education Quarterly*, XXIV, 4 (Winter 1984), pp. 479-497.
- (10) See my "The Colleges and the State . . ." p. 128.
- (11) Counted fractions of .5 and over in products as a unit and cut away the rest.

- (12) Census data are available for 1820, 1830, 1840, 1850, but not so for between these years. The estimated populations represent the arithmetical means.
- (13) The formula for obtaining each figure here is the following:
- $$\frac{\text{Number of in-State freshmen for each five-year period} \times 1/5 \times 100,000}{(\text{Estimated}) \text{ Mass. population for respective years}}$$
- (14) MS, Petition of Amherst College for Pecuniary Aid and grant of Land. March 2, 1847. (Archives of the Commonwealth) p. 5.
- (15) See *ibid.*, pp. 1-4.
- (16) *Amherst College*. (House — No. 105, March, 1847), p. 7.
- (17) *Ibid.*, p. 11.
- (18) See (Massachusetts) Resolve 1847 Chapter 33.
- (19) See *Memorial*. (Senate — No. 23, January, 1848), p. 2.
- (20) *Ibid.*, p. 3.
- (21) See *Remarks at a Hearing before the Joint Committee of Education, 1 February, 1848 . . . Cambridge, 1848*, pp. 15-17.
- (22) *Ibid.*, p. 30.
- (23) *Harvard College, Etc.* (House — No. 112, March, 1848), p. 17.
- (24) *Ibid.*, p. 18.
- (25) *Harvard College, Etc.* (Supplement to House — No. 112, April, 1848), p. 9.
- (26) Devitt. *op. cit.*, p. 217. As for the curriculum and training based thereon in the Philosophy class of the College, see Philip Gleason. "The Curriculum of The Old-Time Catholic College: A Student's View." *Records of the American Catholic Historical Society of Philadelphia*, 88 (Mar. — Dec. 1977), pp. 103-108 and 118.
- (27) Devitt. *op. cit.* The original copy of the petition in the Archives of the Commonwealth has dates on them on which it was presented to the House and to the Senate. These are February 27 and February 28, respectively. (See footnote 28 below.)
- (28) MS, Petition of John B. Fitzpatrick, Others for an Incorporation for a College in Worcester. (Archives of the Commonwealth)
- (29) Devitt. *op. cit.*, p. 218. Cf. Meagher and Grattan. *op. cit.*, p. 50.

- (30) See MS. Report from the Committee on Education on the Petition of Fitzpatrick and Others. March 30, 1849. (Archives of the Commonwealth)
- (31) This principle of exclusiveness was not stated in any of the major documents for the foundation of the Holy Cross College. But Bishop Fenwick, the founder, had such wish and intention. Moreover, President Early and Orestes A. Brownson clearly testified to this effect before the Joint Committee. See Devitt. *op. cit.*, pp. 219-220.
- (32) See *Catholic College*. (House — No. 130, April, 1849), p. 5.
- (33) *Ibid.*, p. 7.
- (34) See *ibid.*, p. 11.
- (35) *Ibid.*, p. 17.
- (36) *Ibid.*, p. 13.
- (37) See *ibid.*, pp. 18-19.
- (38) *Speeches of Mr. Hopkins of Northampton on . . . the College of the Holy Cross . . . Delivered in the House . . . April 24th & 25th 1849*. Northampton, 1849, p. 15.
- (39) *Ibid.*, p. 21.
- (40) *Ibid.*, p. 23.
- (41) *Ibid.*, p. 27.
- (42) *Ibid.*, p. 32.
- (43) See Meagher and Grattan. *op. cit.*, p. 54.
- (44) *Speeches of Mr. Hopkins . . .* p. 35.
- (45) *Ibid.*, p. 39.
- (46) *Ibid.*, p. 42.
- (47) On this see Ray Allen Billington. *The Protestant Crusade, 1800-1860*. New York, 1938.
- (48) (Orestes A. Brownson). *Remarks on the Petition for an Act Incorporating the College of the Holy Cross*. Boston, 1849, p. 16.
- (49) *Ibid.*, p. 18.
- (50) *Ibid.*, p. 25.
- (51) *Ibid.*, pp. 26-27.
- (52) *Ibid.*, p. 22.
- (53) See John S. Whitehead. *The Separation of College and State*. New

Haven, 1973, pp. 151-52, 204-05 and 207-08; Jeff Wasserman. "How Harvard Became a Private University." *Harvard Library Bulletin*, XXVII, 2 (April, 1979).

- (54) See my "The Founding of the Museum of Comparative Zoology in the Educational Crisis of Mid-Nineteenth Century Massachusetts." *ICU Educational Studies*, XXII (1979); "The Founding of the Massachusetts Agricultural College: An Interpretation." *ICU Educational Studies*, XXVI (1984); "The Worcester Polytechnic Institute Defeats the Institute of Technology in 1869." *ICU Educational Studies*, XXVII (1985).

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