

CHURCH-STATE SEPARATION IN ANTEBELLUM TEXAS:
EXCHANGING ONE TYRANNY FOR ANOTHER

By

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ABSTRACT

The American Civil War constitutes a watershed event in the history of the United States on many levels. While there has never been any doubt that religious belief and religious spokesmen played a pivotal role in that conflict, it has only been in relatively recent years that this aspect of the buildup to disunion and war has been studied at length by historians. With church-state separation making the news in recent days on several fronts, including whether one's religious beliefs should trump the government's interest in enforcing health care mandates, it behooves us to evaluate how our society handled similar issues in the past and what lessons can be learned from that experience.

The history of Texas during its colonial, revolutionary, and antebellum periods leading up to secession and Civil War in 1861 provides us with a case study of church-state relations during that time, the cultural mindset of the political, military and religious leaders of the day regarding church-state separation, and the influence that mindset exerted upon the proslavery society that ruled Texas by the early 1860s. By examining the words and actions of those leaders as contained in various public documents, records, newspapers, correspondence, books, and legislative materials, it is possible to gain a clearer picture of the antebellum Texas culture with regard to church-state relationships.

It became clear as the documents were reviewed that Texas leaders, both religious and secular, advocated church-state separation and sought to incorporate it into the fabric

of Texas government and society. At the same time, they sought to rid Texas of any and all vestiges of abolitionist belief and advocacy. It was the combination of these two forces that brought about an evolution of church-state separation theory in Texas from an anti-Catholic reaction in 1836 to a staunch proslavery hegemony in 1860 which was far more tyrannical than any Catholic system had been under Spanish and Mexican rule.

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CHAPTER I

INTRODUCTION

The separation of church and state is an ideal upon which U. S. society is based. While that phrase is not contained in either the Declaration of Independence or in the United States Constitution, it has been relied upon since the beginning of U. S. democracy in judicial opinions, newspaper editorials, political speeches, religious sermons, and personal conversation to explain and/or extol the virtues of our political system which endeavors to keep the realms of the secular and sacred separate in their operation and governance. Over time, however, it has become clear that the privilege of drawing the line of separation generally lies with the current cultural elite. Further, at times that privilege has been abused to silence those whose beliefs or practices do not align with that elite group. To add to the confusion, the line of separation has moved as the cultural elite's sense of what constitutes the proper interaction between the secular and the sacred has changed.

While the separation of church and state was relied upon in the revolutionary rhetoric in 1836 to justify, at least in part, the Texans' decision to overthrow the perceived tyranny of Catholic-dominated Mexico, Texans willingly and, somewhat ironically, replaced that with a proslavery-dominated tyranny which claimed to embody the separation of church and state. This paper will analyze the understanding and

application of church-state separation theory in antebellum Texas beginning with the anti-Catholic mindset of the revolutionary heroes and the progression of that mindset into an intolerant proslavery Protestant culture leading up to the Civil War.

The religious history of Texas is a colorful one, beginning with the Spanish exploration and settlement of the region beginning in the 1500s. The Spanish approach to establishing their presence in Texas consisted basically in planting a mission inhabited by Catholic priests who, with the assistance of a garrison of soldiers stationed at a nearby presidio, would exert physical control over the local Native American population, teach them how to raise crops for food, and attempt to evangelize them into the faith. While some settlers from other Spanish-controlled lands accompanied the soldiers and priests at a few locations, large-scale settlements in Texas by the Spanish population did not occur for the most part during these early years. Although the Spanish founded San Antonio in 1718, by the time Mexico gained its independence from Spain in 1821 Texas was still largely unsettled and controlled by various Indian groups.¹

The actions of Stephen F. Austin in bringing his 300 families into Texas from Louisiana in 1823 served as a precursor for the influx of more settlers from the United States over the next few decades. Because of Spain's and Mexico's support of the Catholic religion, members of Austin's company were required by the state to convert to that faith as citizens of Coahuila and Texas. Moreover, each colonist brought in by Austin had to take an oath of "fidelity" to the Spanish throne which included a promise to "put their right hands upon the Cross of our Lord Jesus Christ, to be faithful vassals of His Most Catholic Majesty, to act in obedience to all laws of Spain and the Indies"

Seeking to insure the success of his venture, Austin was adamant in informing his mother and sister who were preparing to join him in Texas that the Catholic Church had been established in Texas to the exclusion of all others. Further, DeWitt's colony, which followed Austin in 1825, faced similar religious mandates from the Catholic authorities. These colonists from the United States viewed these facts as evidence of an unholy alliance of church and state which continued throughout Spain's and Mexico's control of Texas until independence was won in 1836.²

Although some of these sentiments of Texas' leaders in the colonial period leading up to revolution in 1836 tended to emphasize the Catholic Church's dominant role in society, the facts reveal a somewhat different picture. One example of a more diminished Catholic presence in Texas is revealed by the establishment of the so-called "marriage by bond." Thomas Barnett, one of the signers of the Texas Declaration of Independence, wrote a letter to Austin, on June 15, 1831, which illustrates this practice. An excerpt from that letter states:

I have recently understood that yourself and Padre Muldoon will shortly pay a visit to the Fort Settlement, where the neighbourhood [sic] will assemble for the purpose of marriages, and Christening. Owing to the extreme indisposition of myself and the helpless situation of my family it will be inconvenient for me to attend. I have therefore to request you, and through the Rev father Muldoon to call at my house on your way down. [sic] to the end that the marriage contract betwixt myself and my wife may be consummated and my children christened.

Barnett and Nancy Tubbs Spencer had entered into a marriage bond dated April 20, 1825, some six years prior to the date of the above letter. As was true of all such bonds, it recited the parties' wishes to be married, that there was no Catholic priest available to perform the ceremony, and their agreement to be legally bound as spouses. Further, the

Barnett bond recited that, under the penalty of \$10,000, they were bound and obligated “to have our marriage solemnized by a Priest of this Colony or some other priest authorized to do so as soon as an opportunity offers.”³

The circumstances giving rise to the need for this “marriage by bond” arose during the Texas colonial period with the influx of settlers from the United States. During that time, only about one-fourth of these settlers were Roman Catholic. Nevertheless, out of fear of the consequences that might be imposed by the Mexican government, they generally were careful not to violate the legal presumption that they were adherents to the faith. Therefore, they could only legally marry under the authority of the Church as represented by a duly ordained Roman Catholic priest. Problems arose because of the absence of priests in the predominately Anglo-Saxon settlements in Texas. When a couple desired to marry, there was no way to know how long it would be before a priest would be in the vicinity to conduct the formal ceremony. Faced with this issue, Austin sanctioned the marriage by bond to allow persons to go ahead and commit to each other and begin living together as husband and wife despite not having yet been married in the Church. Austin even reported the practice to the Mexican authorities. Eventually, the Congress of the Republic of Texas undertook to validate all these “marriages by bond.”⁴

As can be seen by the circumstances giving rise to the marriage by bond, Catholic presence in Texas by the time of the revolution was comparatively weak. Despite this, Texans continued to voice opposition to a church-dominated government and society in their public pronouncements. As revolution lay on the horizon, this church-state alliance under Mexican rule was emphasized before the Texas Legislative Council when it met in

Austin on December 16, 1835. During this session, the Council received a report from the committee on military affairs calling for the augmentation of the army against an expected invasion by Mexican troops under the command of Santa Anna. This report asserted that the “power and influence of the Priest” would be used against Texas, constituting a union of church and state being used against “free” institutions. The committee concluded its report by describing its claim that such a union constituted a “tremendous engine of despotism.” Although Protestant missionaries and clergy from various denominations had been making incursions into Texas for many years prior to 1836 and despite the relative scarcity of Catholic priests within the borders of Texas, the men who drafted the Texas Declaration of Independence early that year made clear their objection to the Mexican government’s religious policies by stating “it denies us the right of worshipping the Almighty according to the dictates of our own conscience, by the support of a national religion, calculated to promote the temporal interest of its human functionaries, rather than the glory of the true and living God.”⁵

Finally, once Texas freed itself from the Mexican government after the victory over Santa Anna at the battle of San Jacinto in April 1836, the delegates to the convention to draft a constitution for the new Republic of Texas included language that was intended to insure the separation of church and state under the new government. The third provision of the Declaration of Rights under the constitution removed the state’s favoritism toward Catholicism or any other religion by stating, “No preference shall be given by law to any religious denomination or mode of worship over another, but every person shall be permitted to worship God according to the dictates of his own

conscience.” It is certainly clear that a powerful impetus for the Texas revolution was the colonists’ desire for religious liberty, including the removal of the union between the civil and religious authorities as had been the case under Spanish and Mexican rule.⁶

This desire to separate church and state on the part of Texas leaders impacted the formation and governance of the new Republic of Texas and its later admission into the United States. From disqualification of clergy to serve in elected positions to the prohibition of churches to incorporate, Texas lawmakers fell in line with the culture of southern states from which the majority of its antebellum population originated. Both secular and religious newspapers in the state supported the legislature’s establishment of a “wall” of separation between church and state. At times, however, the “wall” had holes in it, or at least was affixed to a movable base. This became increasingly clear as the slavery issue grew in significance in Texas as well as in national politics in the 1840s and 1850s when the drawing of this line between religion and politics grew more and more contentious. The blurring and outright ignoring of the wall was somewhat selectively and inconsistently applied by both northerners and southerners, including, with some tragic results, certain elements in Texas.⁷

The increasing alignment of the wall with proslavery culture in Texas initially expressed itself by utilizing separation language and philosophy both as a sword and as a shield to advance the agenda of those engaged in the war of words leading up to civil war. Southerners, including Texans, tended to view church-state relations from both angles. As a shield, they often took the position that the slavery issue was a political or secular matter, not to be preached about or discussed in the church. Therefore, any such

discussions or messages were deflected as being outside the purview of the church and its message. As a sword, these same southerners preached against their northern counterparts for mixing religion and politics in their denouncing of the slavery culture. Further, this sword was used to silence any and all dissent in Texas regarding slavery. The beliefs of those who, at best, had doubts about the morality of slavery or, at worst, supported abolition, were unwelcome among the cultural elite in Texas. The use of the sword to castigate the antislavery crowd became far more popular than hiding behind the shield of quietude as the Presidential election of 1860 approached, leading inexorably to violence, secession and war.

This paper will trace the evolution of church-state theory in antebellum Texas and its impact upon the Texans' approach to political issues. Initially, Texans seemed to pick and choose those issues which they considered "political" and which they considered "religious" or "moral." Political issues were definitely taboo subjects for the religious leaders to address. Religious and moral issues did not suffer from such limitations, at least at first. As time passed and the slavery culture increased in power, antislavery messages from religious speakers were increasingly criticized and suppressed as being political. Those voicing or seen as supporting those opinions were ostracized, run out of the country, and even hanged for doing so. Eventually, the wall of separation between church and state became closely identified with a wall of separation between slavery and antislavery factions in Texas society. Ironically, Texans' aversion to any antislavery thought, speech, or even belief being entertained in their midst had itself become a

monolithic belief system with a similar impact upon personal liberties as the abhorred Roman Catholicism which they had rebelled against just a generation earlier.

¹ J. H. Elliott, *Spain and Its World 1500-1700: Selected Essays* (New Haven: Yale University Press, 1989): 14; *The Texas Gazette*, "Texas," May 15, 1830, Vol. 1, Issue 28, page 1; http://infoweb.newsbank.com.databases.wtamu.edu:2048/iw-search/we/HistArchive?pnbid=W5CT62JYMTM3ODI1NjEzNi45ODk6MToxMzo2Ni4xNzEuMjA5LjMy&p_product=EANX&p_action=timeframes&p_theme=ahnp [accessed August 31, 2013].

² T. R. Fehrenbach, *Lone Star: A History of Texas and the Texans* (New York: Collier Books, 1968): 138; H. Yoakum, *History of Texas*, Vol. I (New York: Redfield, 1856): 211; Ethel Zivley Rather, "DeWitt's Colony," *The Quarterly of the Texas State Historical Association*, Vol. 8, No. 2 (Oct. 1904): 95-192; <http://www.jstor.org.databases.wtamu.edu:2048/stable/pdfplus/30242807.pdf?acceptTC=true> [accessed June 7, 2013]; Howard Miller, "Stephen F. Austin and the Anglo-Texan Response to the Religious Establishment in Mexico, 1821-1836," *The Southwestern Historical Quarterly*, Vol. 91, July 1987-April 1988; <http://texashistory.unt.edu/ark:/67531/metaph101211/> [accessed December 5, 2012], p. 295.

³ Hans W. Baade, *Form of Marriage in Spanish North America*, 61 *Cornell L. Rev.* 1 (1975): 6.

⁴ *Ibid.*, 7-19.

⁵ Hans Peter Mareus Neilsen Gammel, *The Laws of Texas, 1822-1897*, Vol. 1, Book 1898, digital images; <http://texashistory.unt.edu/ark:/67531/metaph5872/> [accessed November 27, 2012]; Texas Declaration of Independence, March 2, 1836, Original Manuscript, page 7, Texas State Library and Archives Commission <https://www.tsl.state.tx.us/treasures/republic/odeclar-07.html> [accessed July 6, 2013].

⁶ Constitution of the Republic of Texas (1836), Declaration of Rights; <http://tarlton.law.utexas.edu/constitutions/texas1836/dor> [accessed October 20, 2014].

⁷ See, e. g., *Ibid.*, Art. V, Sec. 1 (1836); <http://tarlton.law.utexas.edu/constitutions/texas1836/a5> [accessed 11/27/2012]; Constitution of Texas (1845) Art. III, Sec. 27; <http://tarlton.law.utexas.edu/constitutions/texas1845/a3> [accessed 11/27/2012]; Constitution of Texas (1861) Art. III, Sec. 27; <http://tarlton.law.utexas.edu/constitutions/texas1861/a3> [accessed 11/27/2012]; Senate of the Republic of Texas, *Senate Journal*, May 1, 1837 – June 13, 1837; 1st Cong., Adj. Sess., pp. 7, 17; <http://www.lrl.state.tx.us/scanned/CongressJournals/01/SJournal1stConAdj.pdf> [accessed 01/30/2014]; House of Representatives of the Republic of Texas, *House Journal*, May 1, 1837 – June 13, 1837; 1st Cong., Adj. Sess., pp. 57, 64; <http://www.lrl.state.tx.us/scanned/CongressJournals/01/HJournal1stConAdj.pdf> [accessed 01/30/2014]; Prospectus, *The Southern Intelligencer*, September 10, 1856; The Meeting, *The Standard*, April 23, 1859.

CHAPTER II

HISTORIOGRAPHY

The separation of church and state was certainly discussed and emphasized in many of the disputes over slavery during the antebellum period in the United States. Generally, spokesmen, newspapermen, and clergy in the South argued for a strict separation between the religious and secular arenas when it came to discussing the pros and cons of slaveholding. It came to be seen as a political issue alone, not fit for religious debate. This view morphed into the squelching of debate and the ostracizing of those who failed to adhere to that line of thinking. The books and articles written on the subject, while not currently as extensive as other antebellum and Civil War topics, reflect this unfortunate and potentially dangerous southern approach to the church-state discussion.

Much has been written about the American antebellum period and the Civil War. Thousands of volumes and millions of pages covering that era from almost every angle and point of analysis have been compiled by authors and scholars for the past century and a half. However, comparatively speaking, little has been written evaluating the impact of religion and religious spokesmen upon American antebellum society and the war itself until recent years. And, certainly, even less has been written from the Texas viewpoint. A review of some of the works that are extant reveals that preachers and other church

leaders played a major role during the antebellum era in mixing religion and politics as they molded public opinion and instigated actions that inevitably pushed the nation toward the tragedy of division. The literature reveals that a discussion of the separation of church and state arose in a variety of religious, secular, legislative and political settings during this period. It is apparent that such separation sounded great in theory, but was quite difficult to put into practice. Once again, the church-state dichotomy seemed to take whatever form those in power wished it to take, especially in antebellum Texas.

A book that deals specifically with antebellum Texas, but only marginally with the religious atmosphere of that era, is *An Empire for Slavery: The Peculiar Institution in Texas 1821-1865*, by Randolph B. Campbell. In this work, Campbell gives a thorough-going analysis of slavery as it was experienced in Texas from the time of Mexican independence from Spain to the end of the U.S. Civil War. While ownership of slaves in Texas was enjoyed by a minority of the total citizenry of the State, it was jealously defended and protected by the vast majority of all Texans, including those who did not own any slaves. Once Texas won its independence from Mexico in 1836, its leaders wasted no time in adopting a constitution that upheld the right to own slaves. The quantity of slaves and slaveholders grew substantially during the next 25 years within the borders of Texas, and the growth did not slow once Texas joined the Union in 1845.¹

Campbell does not discuss in much detail the impact, or lack thereof, of the churches in Texas upon the slavery issue. There are hints in a few anecdotes of some churches' support of the institution, but a more detailed treatment would likely shed light upon the attitudes of religious Texans regarding slavery. Based upon Campbell's book, it

would appear that people of faith in Texas bought the idea that the Negro race was condemned to inferior status after Noah's flood and fared best when they were in bondage to good, white folk who could teach them the Christian faith in their subordinate positions. In one discussion, Campbell stated that Texans "blended religious and racist beliefs with what they regarded as irrefutable logic" in professing that slavery was a moral good. They argued that Negroes, from the time of Noah, were cursed to live as servants to their fellowman. They were an inferior race, having never accomplished anything of note, and had been divinely ordained to be slaves. Another possible explanation for at least some of the public's support of slavery is that most in the church adapted to their society and altered their theology in order to get along and survive. Campbell does provide a few anecdotes of the pressures applied to people of faith who might hold to an anti-slavery view. He quotes one George Fellows who wrote in a letter dated October, 1844, that a minister "can preach the truth plainly without fear if he does not touch slavery. As a private or public subject that must not be touched in any form." Other examples of religious intolerance are described in the book, including the sad case of Northern Methodist minister Anthony Bewley, which will be discussed in more detail later.²

In relation to this, Campbell captures the chilling of first amendment freedoms – speech, press and religion - whenever the slavery issue came to the fore. No one dared speak out on this topic for fear of being ostracized, having their property destroyed, getting run out of town, or being killed, either by a gunshot or by the lynch mob's noose. It is a certainty that the failure of the church to speak out was based in large part upon

this fear while hiding behind the “separation of church and state” shield, reasoning that it would not be proper for the church or its leaders to get involved in a strictly “political” issue such as slavery. However, a healthy, free society does not fear critics of its way of life nor does it seek to rid itself of persons or situations that might cause it to re-evaluate its position on an issue. Instead, Texas, along with the rest of the antebellum South, exhibited a deep inferiority complex with regard to slavery. Contrary to being open to discussion and debate on the issue, Texans covered their eyes and ears and tried to simply rid themselves of the presence of any dissenting voices that might call their way of life into question. The church, for the most part, cooperated with those in power in quelling dissent on this issue. In one example, the citizens of Bonham, Texas, passed resolutions in March, 1859, to the effect that the Northern Methodists, labeled as “abolitionists,” had to terminate a conference then being held in the community and cease all their preaching. The southern Methodists did nothing to oppose this suppression of religious practice.³

A book which does not address the church-state dichotomy, but paints a bleak picture of North Texas society during the war is *Tainted Breeze: The Great Hanging at Gainesville, Texas 1862* by Richard B. McCaslin. McCaslin relates the story of the breakdown of civil relationships between and among the citizens of Gainesville, Texas, and neighboring counties as the result of suspected Unionist and abolitionist activity. The counties in the area were some of the few who voted against secession in early 1861 and were located along the frontier where law and order were more loosely enforced. As tensions flared among the citizenry in 1861 and 1862 with war in the background, leaders in Gainesville and other communities formed vigilante juries and began hanging persons

suspected of abolitionist sympathies. The end result was the hanging of over 40 men and women in Cooke County, Texas, and several more in surrounding counties in October, 1862.⁴

While this story deserves the detailed study and analysis that McCaslin brings to it in his book, its value for this paper is in its position in the logical progression from the lynching of Anthony Bewley in 1860. The separation of church and state, as philosophical basis for the slaveocracy's control of what was acceptable in Texas antebellum society, gave entrance to those who would rid that society of undesirables who preached against slavery. Thereafter, it was a small step for that same society to lynch anyone who supported such positions, whether they took any action to further that belief. Finally, in the widespread hysteria that infiltrated North Texas in 1860 and 1861, it was another small step to sanction one vigilante's position who, during the Bewley affair, declared that ninety-nine innocent men should suffer before one guilty man escape. Unfortunately for many North Texas residents, those sentiments became too real during the Great Hanging.⁵

Other states in antebellum America also experienced growing pangs when dealing with church-state conflicts. In an article published in *The Journal of Southern History* entitled, "After Disestablishment: Thomas Jefferson's Wall of Separation in Antebellum Virginia," Thomas E. Buckley examines the church-state controversy that arose in Virginia in the 1840s over the incorporation of churches and religious groups. The state relied upon its Statute for Religious Freedom, authored by Thomas Jefferson, in taking a firm position against allowing the incorporation of such groups. Virginia's political

leaders set out to build a wall of separation between church and state by disallowing any laws to be passed which would grant any recognition to any religious entity, be it a church, a nonprofit agency, or other organized group. Paradoxically, this ultimately resulted in the state being more involved in the governance of religious entities than it would have otherwise. Those opposed to incorporation viewed such action as an establishment of religion by the state. This position, however, left church and religious groups in legal limbo without the ability to act or to own property. They could not sue or be sued, receive gifts of property, or establish endowments. They had no recognized status in civil society. Buckley points out that Virginia stood virtually alone among the states in its treatment of religious groups in this manner.⁶

Ultimately, the fight over incorporation of churches and religious groups in antebellum Virginia was partially resolved by the passage of a law in 1842 that granted ownership of church property to its trustees while still not granting the right to incorporate. This law, however, did not remove the state from its meddling in church affairs. The law severely limited the amount of land that churches could possess and made no provision for them to buy or sell property. Further, they still could not receive bequests, sue or be sued. In this manner, the legislature continued to keep religious groups under its thumb and maintained its entanglement in religious affairs. Buckley concludes that Jefferson's metaphor of "a wall of separation between church and state," simply did not work as practiced by the legislature in Virginia. As a result, the people of Virginia were actually less free than in other states to practice their religion as they saw fit. Texas, while not following Virginia's example exactly, did, in the name of separation

of church and state, withhold from religious groups the right to incorporate and imposed certain limits upon them. In adopting a little less stringent approach, Texas managed to avoid much of the entanglements experienced in Virginia which facilitated the spread of Christian churches and schools across the state. Arguably, this religious environment in Texas facilitated a greater influence by the church in state politics and public opinion in the antebellum period.⁷

One of the first books to address the role of religion in the antebellum/Civil War period was *Religion and the American Civil War* edited by Randall M. Miller, Harry S. Stout, and Charles Reagan Wilson. This volume contains a series of essays by numerous Civil War historians compiled after a symposium on the role of religion and the Civil War held in Louisville, Kentucky, in 1994. While addressing a wide range of issues, the book contains a few essays that touch upon topics that are generally relevant to our discussion.

In “Religion in the Collapse of the American Union,” Eugene D. Genovese emphasizes the role of religious leaders in convincing the southern people that slavery was ordained by God and essential to an ordered society. Southern theology stated that the Bible supported slavery, and, therefore, an attack on slavery was an attack on the Bible. Southern clergy were critical of their northern brethren for mixing religion and politics in their criticisms of slavery, relying upon the separation maxim that slavery was a civil issue and outside the purview of their preaching. Further, in order to maintain a structured, Christian society, slavery was essential. With these views gaining momentum and influence in the South, including Texas, religious leaders in the region sought to

protect themselves, their families, and their way of life by either supporting the dominant view or keeping quiet on the subject.⁸

In another essay, “Church, Honor and Secession“, Bertram Wyatt-Brown presents the position that the clergy in the South were ambivalent in their treatment of slavery. They tended to avoid the subject and tried to leave the discussion of the topic and its ramifications to the civil authorities in an attempt to honor the separation of church and state. During the war, the southern clergy appeared to unite behind the idea that slavery was a condition of life which, while not to be celebrated, could and should still be borne stoically and practiced humanely. Overall, Wyatt-Brown sheds more light on the moral dilemma that southern clergy faced regarding slavery and how they generally avoided facing the issue by affirming that it was not a religious issue but a political and secular one.⁹

The separation of church and state is addressed more directly in George M. Frederickson’s essay entitled, “The Coming of the Lord: The Northern Protestant Clergy and the Civil War Crisis.” As indicated by the title, Frederickson focuses upon the ever-increasing tie between northern Protestant clergy and the civil government as the crisis over slavery grew. He posits that the Civil War gave the Protestant clergy an opportunity to exert ecumenical influence over the affairs of state, but they failed to take advantage of it. Initially, the clergy in the North were reluctant to adopt abolitionist dogma but instead advocated a more patient, gradual approach to emancipation. Later, they migrated to the abolitionist position as the only way to save the Union. Increasingly, northern clergy preached themes of loyalty to the government and the “sins” of rebellion and revolution.

By becoming more closely identified with American nationalism in their rhetoric, the northern clergy, according to Frederickson's thesis, began to lose their autonomy separate and apart from secular goals. The result, contrary to church-state separation dogma, was a close tie between the "powers that be" and the religious leaders of the day instead of an authoritative, independent prophetic voice from the clergy aimed at national affairs. Frederickson's thesis could have also been applied to the southern religious leaders who also began to lose their autonomy separate and apart from the Confederacy's secular goals of preserving their slaveholding culture.¹⁰

Paul Harvey's thesis in his essay, "'Yankee Faith' and Southern Redemption: White Southern Baptist Ministers, 1850-1890" examines the southern Baptist clergy in a similar vein to Frederickson's review of the northern clergy. As revealed in other essays, the southern religious culture tended to stay out of politics in the antebellum era in a somewhat self-serving assent to separation gospel. The southern clergy and their audience believed that politics had no place in the pulpit, at least insofar as the subject of slavery was concerned. Southern evangelicalism was oriented to reforming the individual behavior rather than being a critic of the social order. This reticence tended to disappear during the war as Baptists, as well as others, stepped up their rhetoric for the southern cause.¹¹

Although none of the essayists in *Religion and the Civil War* addressed their topics to Texas specifically, many of their conclusions are applicable. Much of the immigration to Texas after its independence was won in 1836 came from southern states. Moreover, the number of slaves and slaveholders in Texas rose exponentially during

those years. Concomitantly, the religious and political views of the new Texans were strongly pro-southern and pro-slavery. The moral dilemmas faced by the clergy, the tie between politics and the clergy, and the tendency to at least advocate the separation of politics and religion in the antebellum period in the United States generally were all equally present to one degree or another in antebellum Texas.

Richard Carwardine explores a more specific strata of society in his article in the journal *Church History* which he entitled, "Methodists, Politics, and the Coming of the American Civil War." In it, he evaluates the role of Methodists, both North and South, in antebellum society and the buildup to the Civil War. Methodism was one of the fastest growing religious movements in early American history which led Ulysses S. Grant to remark in 1868 that there were three great parties in the United States: the Republican, the Democratic, and the Methodist Church. Originally, the Methodists, following the lead of early leader Francis Asbury, shunned political involvement. They focused on America as a continent to be converted and not necessarily as a political entity. This early viewpoint began to change in the early decades of the nineteenth century as Methodists became increasingly involved in politics. Thus, by 1860, according to Carwardine, Methodists had widely adopted the understanding that the state was a moral being and believed that "Christians had to take responsibility for ensuring that the highest standards of virtue flourished in civic life." The logical result of this thinking was that Methodists felt obliged to elect Christian rulers and effect Christian influence in passing and executing laws. Political involvement by Methodists therefore increased during the antebellum period, including the clergy. Carwardine concludes this theme by stating that

Methodists increasingly abandoned their forebears' political aversion and began to speak out on issues such as slavery, Roman Catholic immigration, and others despite the political aspects of such topics.¹²

Of course, the one issue that held the greatest sway over Methodists' political responses was slavery. Methodists were involved on both sides of the issue and in all parts of the country. The division of the church into northern and southern factions in 1844 helped pave the way for political secession in 1861. Violence grew between the two factions in the church, with the ultimate tragedy being the Anthony Bewley affair in East Texas in the summer of 1860. Carwardine asserts that the Bewley matter actually aggravated sectional tension to a greater degree than John Brown's raid on Harper's Ferry. In the eyes of those in the North, Bewley was martyred for being a "modest and peaceful" man. In the radical southerner's view, Bewley's case showed the need for even greater vigilance toward those who appeared peaceful yet were actually plotting assaults upon slavery. The entire Bewley saga exposed the flaws in Texas society of that era in which the sword of separation of church and state was used to squelch dissent and protect the cultural (slaveholding) elite.¹³

Carwardine concludes his article with an analysis of the church-state implications of Methodism's drift from Asbury's day to the mid-nineteenth century. In the North, Republican Methodists had traveled the farthest from their forebears' apolitical generation by identifying the arrival of the kingdom of God with the success of a particular political party and its policies. In the South, on the other hand, Methodists rejected the northerners fusion of religion and politics in this manner and outwardly

shunned active intervention into the political fray over slavery. Carwardine concludes, however, that the southern Methodists, in taking this stance, were in reality driven by a fundamental political need – the protection of the moral and socio-economic basis of southern civilization. In other words, the southern Methodists also identified the interests of their Confederate nation with the purposes of God. What Carwardine concludes about Methodists in the United States as a whole can also be applied to both Methodists and Baptists in Texas during the antebellum period. While verbalizing, at least initially, an aversion to getting involved in politics generally and slavery in particular, both denominations increasingly inserted themselves into the public discourse on many political topics, especially slavery.¹⁴

A book which broke new ground in discussing the history of church-state relations in America is *Separation of Church and State* by Philip Hamburger, published in 2002. While not focused upon Texas or limited to the same time period as this paper, Hamburger's book sheds light on the separation theory that was extant in the United States in the early to mid-eighteenth century and influenced immigrants to Texas. Hamburger traces the history of separation in the United States from the days of Roger Williams in colonial Rhode Island through the mid-twentieth century era when Supreme Court decisions cemented separation as a constitutional tenet. He provides insight into the cultural and social forces such as nativism, anti-Catholicism, and secularism that provided the worldview for many who advocated a total separation of church and state. Hamburger leaves no stone unturned as he discusses the roles of the Founding Fathers, Baptists, Jews, atheists, liberals, the Ku Klux Klan, and others in forming what we know

today as the separation of church and state. Hamburger argues that separation was not originally a part of the religious freedom contained within the First Amendment to the U.S. Constitution as understood by those who drafted and adopted it, but that what we know as separation today was a product of later extra-constitutional forces and cultural changes. While Hamburger's arguments are not all relevant to our discussion, it is worth noting that he emphasizes anti-Catholicism as one major impetus toward a full-flowered separation theory in the U.S. Anti-Catholicism was certainly a major factor in the separation movement in early Texas as well.¹⁵

A review of Hamburger's book by Douglas Laycock, the Alice McKean Young Regents Chair in Law at the University of Texas at Austin, casts doubt upon the ultimate conclusions reached by Hamburger. While Laycock commends Hamburger for his bringing into focus many of the religious and political movements that impacted our modern understanding of the separation of church and state in American society, he criticizes the author for not only failing to specifically and clearly define "separation of church and state" as used in his book but also for reaching a conclusion with regard to what that metaphor means constitutionally and culturally which is not supported by the facts. Laycock further says that Hamburger erroneously uses the term "separation" as restricting church as much as state, which Laycock asserts is a totally foreign concept to the First Amendment. Laycock gives his definition of separation essentially as the separation of authority of the church from the authority of the state in order that "religion is ...left as wholly private choice and private commitment." He concludes his article by stating that Hamburger has shown that there are divergent views of the meaning of

separation, and until we are able to communicate clearly these distinct theories of separation we should quit using the phrase altogether.¹⁶

The most recent treatment of religion and the Civil War which provides background to our study is George C. Rables's *God's Almost Chosen Peoples: A Religious History of the American Civil War*. This book traces the various aspects of the religious history of the American people leading up to, during, and immediately following the Civil War. In his work, Rable utilizes numerous sources to relate the story of denominational and political schism followed by war and bloodshed via the religious pronouncements of both clergy and laity. The result is a comprehensive presentation of the role of religion in the buildup toward secession and the prosecution of the war by both sides.¹⁷

Rable points out the importance of religious faith in people's contemporaneous analysis of the war and its meaning during the conflict. He helps the reader understand how southern clergy and laity alike could justify the institution of slavery, however foreign to modern sensibilities their conclusions may appear. Many Scripture passages were used by southern clergy both in their defense of the slaveholders and in their condemnation of the northern "heathen" who would dare to criticize a system which God obviously ordained and approved.¹⁸

On the other side, the northern clergy condemned the South for its support of slavery, not necessarily because they believed blacks were equal to whites mentally or socially, but because in their view all men were entitled to be free. They charged that the South was bent upon stamping out freedom and liberty by their actions in advocating the

spread of slavery to new territories in the United States. As events unfolded during the 1850s, culminating in John Brown's raid upon Harper's Ferry, preachers and evangelists for the major denominations both North and South increasingly took positions that were in line with the politics of their section of the country while at the same time condemning the other side for failing to keep church and state separate in their preaching. As will be discussed below, this inconsistent intermingling of church and state and religion with politics was also true in Texas during this time with regard to not only the slavery issue, but other issues as well.¹⁹

Finally, no study of church-state relations in antebellum Texas would be complete without examining, at least generally, the impact that Spanish Catholic explorers, missionaries, and governing authorities exerted upon those relations between the sixteenth and nineteenth centuries. One book that provides great assistance in this regard is *Spanish Texas, 1510-1821* by Donald E. Chipman and Harriett Denise Joseph. *Spanish Texas* is a broad and thorough treatment of the discovery, exploration, efforts at military conquest, and initial settlement of Texas by the Spanish during their colonial period in New Spain.²⁰

As a vital and indispensable component of the Spanish crown's efforts to extend its influence and control across what is now the American southwest, it sent various Catholic friars to assist in Hispanicizing the Indians, called neophytes. This entanglement of church and state by the Spanish continued for nearly 300 years. The church and state did not always see eye-to-eye on the methods to be used to pacify the Indians. One early victory for the clerics occurred in 1573 when King Philip II of Spain issued new

regulations which instituted a more gentle approach for both friars and conquistadors to utilize in converting the Indians while at the same time promoting the benefits of Spanish civilization to those same indigenous peoples. Over the next 100 years, coordinated efforts by both church and state were made to expand Spanish and Catholic influence into Texas, especially in what is today eastern Texas. Presidios were built near missions to provide protection for the friars as they worked with the Indians. Time and again, however, the Spanish were thwarted in their efforts to significantly tame the Native Americans of eastern Texas, finally abandoning all missions in the region and withdrawing to the San Antonio area. When Mexico obtained its independence in 1824, the Spanish had only sparsely settled the Texas territory, with the majority of those settlements centering in the area from San Antonio southward. Throughout their colonization efforts, the Spanish maintained the Catholic Church's control over civic affairs.²¹

As this historiography reveals, Texas, by the time of the Civil War, had already experienced a long and varied history of church-state conflicts arising both from its relationship to Spain and Mexico to the experiences brought to bear by the vast majority of settlers who arrived in Texas from the southern region of the United States. Initially, Texans, as citizens of Spain and then Mexico, experienced the state-sponsored Catholic regime of those countries until Texas won its independence in 1836. Upon emerging from that hegemony, Texans sought greater religious freedom, inserting appropriate language in their founding documents based upon similar terminology set forth in the U.S. Bill of Rights. Additionally, there was a unity of purpose brought to bear by all Texans seeking a

new separation of the religious and civil authorities, as reflected in the constitutions of both the Republic of Texas in 1836 and the state of Texas in 1845.²²

The impetus for separation continued to be felt and voiced throughout the increasingly virulent debate over slavery in the 1840s and 50s. Much of that vituperation was aimed at the northern clergy who began to publicly categorize slavery as a sin and call for its abolition. Southerners, both lay and clergy, characterized such preaching as crossing the line between religion and politics. As tensions rose and civil unrest increased, the majority of Texans began to consider any negative view of slavery as being beyond the pale, whether that view had been publicly expressed or merely implied. It is clear that much harsher lines were being drawn in Texas by those with authority to draw them to mark the limits of what they considered to be acceptable beliefs about slaves and slavery. Those limits were placed on everyone, but especially on the church to stay away from the holy grail called slavery. These lines served as a harbinger of a restricting of religious freedoms in Texas, a result which those in charge would probably have vehemently denied.

¹ Randolph B. Campbell, *An Empire for Slavery: The Peculiar Institution in Texas, 1821-1865* (Baton Rouge and London: Louisiana State University Press, 1989): 50-66.

² Ibid., 211-212, 219, 227-230.

³ Ibid., 209-230.

⁴ Richard B. McCaslin, *Tainted Breeze: The Great Hanging at Gainesville, Texas 1862* (Baton Rouge and London: Louisiana State University Press, 1994).

⁵ Ibid., 26.

⁶ Thomas E. Buckley, "After Disestablishment: Thomas Jefferson's Wall of Separation in Antebellum Virginia," *The Journal of Southern History*, Vol. 61, No. 3 (August 1995): 445-454.

⁷ Ibid., 454-580.

⁸ Randall M. Miller, Harry S. Stout, Charles Reagan Wilson, eds., *Religion and the American Civil War* (New York, Oxford: Oxford University Press, 1998): 74-88.

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- ⁹ Ibid., 89-109.
- ¹⁰ Ibid., 110-130.
- ¹¹ Ibid., 167-186.
- ¹² Richard Carwardine, "Methodists, Politics, and the Coming of the American Civil War," *Church History*, Vol. 69, No. 3 (September, 2000): 578-609.
- ¹³ Ibid., 605-608.
- ¹⁴ Ibid., 608-609.
- ¹⁵ Philip Hamburger, *Separation of Church and State* (Cambridge, Massachusetts, London England: Harvard University Press, 2002).
- ¹⁶ Douglas Laycock, "The Many Meanings of Separation: Separation of Church and State by Philip Hamburger," *The University of Chicago Law Review*, Vol. 70, No. 4 (Autumn, 2003): 1667-1701.
- ¹⁷ George C. Rable, *God's Almost Chosen Peoples: A Religious History of the American Civil War* (Chapel Hill, N.C.: University of North Carolina Press, 2010).
- ¹⁸ Ibid., 11-50.
- ¹⁹ Ibid., 30-31.
- ²⁰ Donald E. Chipman and Harriett Denise Joseph, *Spanish Texas 1519-1821* (Austin, Texas: University of Texas Press, 2010).
- ²¹ Ibid., 44-59, 83-103, 204-255.
- ²² Constitution of the Republic of Texas (1836), <http://tarlton.law.utexas.edu/constitutions/texas1836> [accessed 11/27/2012]; Constitution of Texas (1845), <http://tarlton.law.utexas.edu/constitutions/texas1845> [accessed 11/27/2012].

CHAPTER III

DEVELOPMENT OF PROTESTANT CULTURE IN ANTEBELLUM TEXAS

Protestant Christians flooded into Texas in the 1830s and 1840s, bringing with them expectations of religious freedom and church-state separation similar to what they had previously experienced in the United States. Once they gained control of the government, these same Protestants set about to organize a society which reflected those expectations. In some cases the lines of church-state separation were definite, but in others they were faint at best. The lines were generally drawn in accordance with whatever rules those in the legislature established, from appointing legislative chaplains to disqualifying clergy from serving in the legislature to sending missionaries to the Indians. Nothing, however, came close to the emotional and tragic case of slavery with its attendant line-drawing and line-obliterating rhetoric. The proslavery elites who became established in Texas began to dominate the antebellum society - economically, politically, and culturally - compelling those who held contrary views to either leave or keep their opinions to themselves. As time passed, it became increasingly dangerous to oppose or even hold an opinion contrary to the proslavery elites. This set the stage for a church-state dichotomy wherein those churches and preachers who held proslavery views were praised while those who were even suspected of holding contrary views were

persecuted. In other words, if a person of faith, a clergyman, or a church did not support the elite's position on slavery, they were summarily silenced.

To understand the mindset of most Texans regarding their view of the relationship between church and state leading up to the Civil War, it is necessary first to examine the various strands of Protestant settlers who spread across the territory in the 1830s and 40s. Even before Texas won its independence from Mexico in the spring of 1836, numerous clergy of various Protestant denominations entered the region, initially to "spread the Gospel," but later also to participate in the fight. Certainly, a major incentive for these Protestant missionaries was to "free" the population in Texas from the alleged grip, whether real or not, of state-sponsored Mexican-style Catholicism.

As early as the 1820s, Protestant Christians were entering Texas in small numbers, but it was not until 1833 when Presbyterians began making "official" incursions into the territory. It was in that year that Henry R. Wilson was commissioned by the American Board of Commissioners for Foreign Missions to minister among the Choctaw Indians of Texas. He proceeded to cross the Red River and at some point preached what is purported to be the first Presbyterian message in Texas, if not the first Protestant one. About the same time, Reverend Benjamin Chase of the Mississippi Presbyterian Synod came to Texas as an agent of the American Bible Society to supply the Scriptures to the inhabitants. Apparently, the populace of Texas at this time had very few Bibles, a need that the Presbyterian missionaries sought to correct.¹

Because of the prohibitions made by the Catholic-dominated Mexican government against the establishment of Protestant churches or the preaching by their

clergy within the borders of the state of Coahuila and Texas, the Presbyterians, along with the Methodists, Baptists, and others, refrained from large-scale incursions into the area until 1834. By that time, the prohibitions had become largely a “dead letter” and were not stringently enforced. In the summers of 1834 and 1835, Presbyterian clergyman Peter Fullinwider, under the direction of the Missionary Committee of the Mississippi Presbytery, assisted the Methodists in conducting their early camp meetings in Texas. Subsequently, Fullinwider was commissioned by General Sam Houston in the spring of 1836 to collect the wives and children of the soldiers at Fort Sam Houston in Palestine while their husbands and brothers went to fight Santa Anna. Sumner Bacon, a former Presbyterian lay missionary in Texas, arrived as an ordained minister in January, 1836, and was commissioned by Houston to serve as a diplomat and securer of military supplies in the United States.²

The Reverend William Whitty Hall, one of these pioneering Presbyterians who was elected as the first chaplain to the Senate of the Republic of Texas in the fall of 1836, pinpointed one of the early tensions in the church-state relationship in Texas. He saw that tension in the almost universal opposition to “popery” (a popular term for the Catholic church and its control over the state) aligned with the almost equally universal acceptance of evangelical-Protestant influences in governmental and secular affairs. He wrote of the early introduction of a resolution in the Texas legislature to appoint chaplains and to allow worship services to be conducted in the Senate Chamber. Not coincidentally, it was in response to Hall’s efforts at the Synod of Kentucky in October, 1837, that a resolution

was passed recommending to the Presbyterian Board of Missions that laborers be sent to Texas to spread the Protestant gospel in a former Catholic stronghold.³

Hall and the other Presbyterian preachers who made their way to revolutionary Texas were not, however, part of the main thrust of their church's evangelical efforts. That did not come until 1837 when the Synod of Mississippi began sending missionaries under the authority of its Executive Committee. These new "Old School" Presbyterian ministers were usually highly educated at eastern U.S. schools and made their mark as the organizing pastors of the first large city churches in Austin, Houston and Galveston as well as chaplains in the Texas Congress.⁴

One of these, William Youel Allen, came to Texas of his own accord and exerted an immediate impact on both church and state. He preached three times in the Senate chamber of the capitol, served as chaplain to both houses of the Texas Congress, organized the first Sunday School and the first church of any denomination in Houston, and celebrated the first communion in Texas in which persons of other denominations participated. Later, he drafted the first legislation enacted by the Congress of the Republic of Texas regarding a system of public education. In his diary, Reverend Allen detailed his experiences preaching in various governmental locations including the capitol, the Senate hall, and in a courthouse. Despite Reverend Allen's activities, the Old School branch of Presbyterianism particularly adhered to the Southern view of the separation of church and state, which was very conservative in its treatment of slavery, viewed ethics in personal rather than social terms, and "so thoroughly divided the spheres of authority of church and state that political responsibility was defined largely in terms

of obedience to the secular arm.” In other words, the lines drawn by these Presbyterians, which fell nicely in line with the prevailing southern culture, made it clear that the individual was expected to mind his own business, maintain his own personal piety, and refrain from speaking out on social issues, especially slavery. This suppression of opinion on social issues across the state would become a foundation for tragedy in antebellum Texas.⁵

Methodists were also highly active and very effective in their evangelistic outreach in the territory beginning officially in the days and years after Texas independence. They organized camp meetings in Texas as early as 1833 and again in 1834 and 1835, in which other denominations were welcome to participate. Such camp meetings were technically a highly illegal enterprise under Mexican law. These pioneering evangelists apparently did not respect the Catholic authority and, indeed, likely held the view that Homer S. Thrall characterized in his history of Methodism in Texas that the “course of the Romish priesthood was condemned in Texas.” It is clear that the antagonistic tension between Protestants and Catholics in these revolutionary times was quite strong.⁶

Interestingly, at least one source states that a camp meeting in 1835 was attended by William B. Travis, which “was the last time [he] had the privilege of hearing the gospel preached.” At the end of the 1835 meeting, the Methodist clergy in attendance gathered for an impromptu quarterly conference and resolved to send a request to the Methodist Episcopal Church of the United States to send missionaries to Texas. Travis himself lent his own support to this effort prior to the camp meeting by means of a letter

dated August 17, 1835, and sent to the New York *Christian Advocate and Journal* in which he expressed regret that, in his opinion, the Methodist Church had neglected Texas and urged the paper to “publish such remarks” that would increase the attention given to Texas. It appears that in spite of, or perhaps because of, the prevalent view of Texans that the Catholic Church was extremely obtrusive in its involvement in Texas’s secular affairs, there were secular leaders in Texas such as Travis who were not averse to entering the religious sphere to request an increase in the preaching of the Protestant message in Texas.⁷

After Texas’ independence from Mexico and its Catholic state religion was won in 1836, the Methodist Episcopal Church in the U.S. acted quickly to meet the request of Travis and others to send missionaries to the new nation. In 1837, clergymen Martin Ruter, Littleton Fowler, and Robert Alexander traveled to Texas to organize the Methodist presence there. The political leaders of the new nation whom they encountered were very open and welcoming toward these Christian missionaries. Ruter wrote to his wife, Ruth, of his arrival in Houston in November 1837 while the Texas Congress was in session. He related how Fowler had been chosen as chaplain of the Senate and co-chaplain of the House with a “Cumberland Presbyterian.” He continued by detailing the polite treatment he received at the hands of the leaders of government, then described a meeting with General Sam Houston who “seemed very friendly, & said he had been for some time expecting me in Texas.”⁸

Ruter, Fowler and Alexander preached across the eastern wilderness of Texas, establishing churches and holding camp meetings. Dr. Ruter died suddenly in May 1838,

leaving Fowler and Alexander as the leaders of Texas Methodism. Later that year, Fowler was appointed presiding elder and superintendent of the Texas Mission District. One of the clergy under his charge was Jesse Hord, a transfer to the Texas Mission District from the Memphis (Tennessee) Conference. Hord kept a journal during his missionary travels in late 1838, the entries to which reveal more insight into the state of church-state relations of the time. In one entry, he detailed a visit to the Texas Congress during which he was introduced to several members of that body who expressed “in high terms” their opinion regarding the importance of the gospel being preached in Texas, wished him success, and gave their promise of assistance in that regard. Although Reverend Hord is not necessarily an unbiased source, it does appear that Texas political leaders were very sympathetic and, at times, quite supportive of evangelistic efforts by Protestant clergy within the Republic.⁹

Another Methodist preacher, G. W. Brush, although not stationed in Texas but familiar with the conditions there, encouraged Fowler during these early days regarding the church’s mission effort. He wrote to the Methodist missionary, “I trust & pray that God will give you success in Texas. A religious country is hard to conquer...If Texas will own God’s ministers and receive their words –God will own Texas, and make her one permanent among the nations of the earth.” Clearly, Methodists were interested in spreading their version of Christianity across the new nation and, with the encouragement of the political leaders, to win all its people to God’s side.¹⁰

Methodists, like their Presbyterian brethren, were also averse to addressing the politically-charged subject of slavery, at least in the public arena. On one occasion in

August, 1843, Littleton Fowler wrote a rather scathing letter to one of the pastors under his charge by the name of William O'Conner. Apparently, O'Conner, a pastor in the Marshall, Texas, area, had made some ill-advised comments regarding the slavery issue which had reached the ears of Fowler. O'Conner's statements reflected an anti-slavery slant and contained strong criticisms of Methodist pastors who owned slaves. Fowler, as the Methodist presiding elder of the region, wrote O'Conner to not only point out the danger of such comments, but to advise him as to the limits that he should place upon his own pastoral leadership. In the letter, Fowler said O'Conner's remarks were "highly inflammatory and imprudent" which would tend toward "evil and only evil continually." He advised O'Conner to avoid talking about the slavery issue so as to keep himself "acceptable" to his parishioners so that Fowler would not be forced to remove O'Conner from his circuit. Further, he instructed O'Conner to engage in those practices which would promote the work of God. Obviously, in Fowler's view, speaking out on a politically charged issue such as slavery as early as 1843 was *not* an acceptable practice for a Methodist pastor. The more acceptable path was obviously to stick to promoting the work of God and stay out of politics, at least when the topic of slavery was involved. Otherwise, a clergyman could lose his position and, with it, his livelihood. Once again, the specter of suppression of religious-based opinions regarding slavery contrary to that of the prevailing cultural view had raised its head.¹¹

The Baptists were also quite active in Texas during the early Republic years. Z. N. Morrell, a Baptist preacher from Tennessee, first came to Texas in 1835 and later organized the first Missionary Baptist Church in the Republic in 1837 at Washington on

the Brazos. It was this church that sent out a plea for more Baptist missionaries which helped spur the growth of the denomination in the region. With financing provided by a very generous Baptist in the U.S., the first two missionaries, James Huckins and William M. Tryon, arrived in Texas in the early 1840s. These two pioneer preachers organized or reorganized many churches in East Texas including those in Houston, Galveston, Washington, and other communities in the area.¹²

A third giant of the early Baptist movement in Texas was R. E. B. Baylor, who arrived in Texas in February, 1839. Baylor served in many capacities over the next 34 years including teacher, preacher, judge, and constitutional delegate. Baylor's career crossed the lines between the sacred and the secular, sometimes blurring the line of separation between church and state. Baptist historian B. F. Riley describes one example of Baylor's crossover occurring when the judge "would conduct a session of court and a revival simultaneously" by holding court during the day and preaching in the same location at night. Another writer, B. F. Fuller, recounts how in 1841 a great revival occurred as the result of Judge Baylor's preaching in his courtroom in Washington. This continued for two weeks as Baylor held court during the day, preached in the same room in the evening, and baptized many converts in the Brazos River under the light of the moon.¹³

Nevertheless, the Baptists, more vociferously than the other denominations of the day, encouraged and supported a strict separation of church and state. The Baptists' position is summarized by Harry Haynes in his biography of Baptist leader Rufus C. "R. C." Burleson, the preacher who baptized Sam Houston in 1854. Haynes states that

Baptists objected to the civil government having anything to do with the control of religious organizations, “but to give unrestricted liberty to the citizens to worship God according to the dictates of their conscience, under their own vine and fig tree, where none dare molest or make them afraid.” It is important to note that Haynes’ statement clearly places the emphasis upon the idea that separation means keeping the government out of religious affairs and not necessarily keeping religion out of governmental affairs.¹⁴

Finally, the Protestant Episcopal Church entered the religious arena in Texas during the immediate post-revolutionary period. The Episcopalians, maybe more so than the missionaries from the other denominations, sought to establish their presence in the territory not only as preachers but also as school teachers. One of the first, Reverend Caleb Ives, came from Alabama in 1838 to Matagorda to establish a school as well as provide ministerial support for the community. During the week, Ives taught school at the Matagorda Academy that he and his wife had established, then on Sundays, led Sunday School and worship. He became a fixture in the community as the head of the only school and the pastor of the only church in Matagorda for several years. R. M. Chapman, one of Ives’ contemporaries, came to Texas in 1838 as an Episcopal missionary. He had been a teacher back East and desired to do the same in Texas, along with “ministerial duties.” After Chapman arrived in Houston, the Texas Secretary of State offered him the use of a hall in the Capitol for conducting worship, which he did for a brief time.¹⁵

As part of the Protestant Episcopal Church’s missionary efforts was the naming of Leonidas Polk in late 1838 as Missionary Bishop to Arkansas and to the Indian Territory south of the 36th degree north latitude. As part of his duties, he traveled to Texas on more

than one occasion to evaluate the church's mission in Texas, lead worship, and baptize new converts. He was impressed with the opportunity before the Episcopal Church in Texas and encouraged the appointment of a Missionary Bishop for the Republic and the establishment of churches and educational institutions within its boundaries. Although it took several more years before a Bishop was appointed for Texas, the Episcopalians' emphasis on education was constant and ongoing. These Episcopalians were not bashful about inserting themselves into the Texas educational system or using government largesse to advance their ministries. It is clear from the experiences of these early Episcopalians, as well as others, that Texas and its leaders were open to and even encouraged a strong Christian influence in the establishment of its educational and governmental systems.¹⁶

Each of the above denominational groups were deeply involved in spreading of religious influence and fervor in antebellum Texas. Much of the incentive for their missionary zeal was to counter the Catholic influence in the region and to "free" the citizens from the state-sponsored control of society by the Church. While much of that Catholic "control" may have been in name only and not in fact, it nevertheless served as a goal of the Protestant missionaries to uproot all vestiges of that control over the people of Texas. At the same time, these same missionaries were intent on making Texas a "Christian" nation, reflecting their brand of religion, both within the government and without. How this goal evolved in the political arena and influenced decisions made by early Texas leaders is the subject of the next chapter.

¹ William Stuart Red, *A History of the Presbyterian Church in Texas* (Austin, Texas: The Steck Company, 1936): 1-2.

² Ibid., 3-6.

³ Ibid., 3-6, 18-19 (The Kentucky Synod resolution stated, “Whereas, in the providence of God, a door is now opened for introducing into Texas the missionaries of the Cross, the ‘spiritual control of the Romish priesthood having ceased’ there; and whereas, the eyes of that people are directed to Protestant churches in the United States, and their cry is, ‘come over and help us’; and whereas, many of the members of our churches are there as sheep without a shepherd, who with their fellow citizens earnestly petition for the ministrations of the sanctuary; Therefore, ‘Resolved, That the General Assembly strongly recommend to its Board of Missions the country of Texas, as a highly important field for their efforts, and that they adopt the earliest practicable measures to send forth into this inviting harvest efficient and devoted laborers.’”); (quoting Hall, “While there is almost universal opposition to popery, there is an equal disposition to express a decided preference for that which we term Evangelical religion. Public sentiment leans toward the Bible... The leading men of the country are favorably disposed toward the gospel, are willing to defend it when defamed and to assist in its introduction, if opportunity afforded. As evidences of it, as soon as it was heard there were two clergymen in town (Columbia), a resolution was proposed by Mr. Everett, formerly of New York, that they should be invited to officiate as Chaplains to the Senate; and further, that the Senate Chamber be cleared for the purpose of having public preaching there every Sabbath day”); Richard B. Hughes, “Old School Presbyterians: Eastern Invaders of Texas, 1830-1865,” *The Southwestern Historical Quarterly*, Vol. 74 (July 1970-April 1971): 324 n. 2, <http://texashistory.unt.edu/ark:/67531/metaph101200/m1/336/?q=324> [accessed December 5, 2012]; (In 1837, the Presbyterian Church in the United States split into Old School and New School branches. The New School never prospered in Texas).

⁴ Red, *A History of the Presbyterian Church in Texas*, 9, 15-17.

⁵ Ibid.; Richard B. Hughes, “Old School Presbyterians,”: 324, 328.

⁶ Homer S. Thrall, *History of Methodism in Texas*, (Houston: E.H. Cushing, 1872): 27; Macum Phelan, *A History of Early Methodism in Texas, 1817-1866* (Nashville, Richmond, Dallas, San Francisco: Cokesbury Press, 1924): 44-45.

⁷ Phelan, *A History of Early Methodism in Texas, 1817-1866*, 48-49.

⁸ M. Ruter letter to Ruth Ruter, December 15, 1837; Littleton Fowler files, Southern Methodist University, Perkins School of Theology Bridwell Library.

⁹ Homer S. Thrall, *A Brief History of Methodism in Texas* (Nashville: Publishing House of the M.E. Church, South, 1894): 54, 57.

¹⁰ G.W. Brush letter to Littleton Fowler, April 7, 1838; Littleton Fowler files, Box 1, Southern Methodist University, Perkins School of Theology Bridwell Library (emphasis in original).

¹¹ Littleton Fowler letter to Reverend William O’Conner, August 1, 1843, Littleton Fowler files, Box 1, Southern Methodist University, Perkins School of Theology Bridwell Library.

¹² R.G. Commander, *The Story of the Union Baptist Association: 1840-1976* (Houston: D. Armstrong Publishers, 1977): 9-10, 13-14.

¹³ Ibid., 13; B. F. Riley, *History of the Baptists of Texas* (Dallas: Published for the Author, 1907): 113; B. F. Fuller, *History of Texas Baptists* (Louisville: Baptist Book Concern, 1900): 126.

¹⁴ Georgia J. Burleson, Ed., *The Life and Writings of Rufus C. Burleson, DD, LLD*, (Waco: Georgia J. Burleson, 1901): 92.

¹⁵ The Reverend DuBose Murphy, *A Short History of the Protestant Episcopal Church of Texas* (Dallas: Turner Company, 1935): 1-5.

¹⁶ Ibid., 8-12.

CHAPTER IV

POLITICS AND SEPARATION OF CHURCH AND STATE IN ANTEBELLUM TEXAS

Independence in 1836 allowed Texas to escape the strictures, both real and perceived, imposed by the Catholic Church and enjoy those rights and privileges that belong to a free people. The Texans' anti-Catholic attitudes spurred them to provide in their new constitution as well as in legislative enactments and public pronouncements, both written and oral, over the next twenty-five years that church and state were to remain separate and distinct. The lines that the various politicians began to draw between church and state were pretty definite when the involvement of the Catholic Church in the political arena was under consideration, but less so when Protestant relations with political leaders and the political process was at issue. It could be argued that these early Texans had merely substituted a Protestant-ruling hierarchy in place of the ousted Catholic hegemony. That hierarchy, which became solidly proslavery in its worldview, became as intolerant, or even moreso, than the Catholic-led Mexican government had allegedly been when it came to its persecution and silencing of those who held contrary views.

Several examples show how this evolution in church-state relations in Texas occurred. The new Republic of Texas Congress had little problem utilizing Protestant clergy as chaplains beginning in November, 1836, when the Senate appointed two men,

Richard Salmon, an Episcopal priest, and William Whitty Hall, the above-mentioned Presbyterian minister, to serve in the office. The practice of appointing chaplains continued through the remaining years of the history of the Republic. In 1837, the Senate approved pay for the chaplains for services rendered. While the House did not appoint a chaplain until December, 1837, it thereafter approved the practice along with payment for the services. With some exceptions, chaplains typically delivered a daily prayer at the opening of the legislative session. These were, no doubt, strictly Protestant in theology. Additionally, whereas chaplains were welcomed to conduct religious services within the capitol itself during the Second Session of the First Congress in 1837, the use of the hall of the House of Representatives was disapproved for the secular use as a feasting and ball room in December, 1838. It is clear that the leaders in the Republic did not view this appearance of religious bias as an unacceptable breach of the wall of separation between church and state.¹

In addition, when the Republic of Texas entered into a “Treaty of Peace, Friendship and Commerce” with several Indian tribes in 1844, including, among others, the Comanche, Lipan Apache, and Cherokee, one of the treaty’s provisions authorized the President of Texas to send persons among the Indians to teach them the Christian religion. There is little doubt that this state-sponsored missionary endeavor only applied to the Protestant version of Christianity. Finally, by an enactment dated January 4, 1841, the Texas Congress granted every community of 100 families who immigrated to Texas between January 1, 1840, and January 1, 1842, the right to a grant from the President of Texas consisting of 640 acres of land for erecting a place for religious worship. It is

obvious that the leaders of the Republic of Texas were intentional in supporting the spread of Protestant Christianity within their young nation.²

With annexation in 1845, Texas legislators continued blurring the distinction between church and state in certain situations. Chaplains continued to be appointed from time to time for service in one branch or the other or both in the state legislature. Further, the legislature again granted colonists land for “school and religious purposes” and granted tax exempt status to buildings and grounds used for the same. Two other bills were enacted which made it a criminal offense to disturb religious camp-meetings and to disturb worship services. One highway bill exempted those who traveled on Sundays for nonbusiness purposes from its toll-paying requirements, presumably to encourage people to attend worship services without incurring that expense. Other pieces of legislation granted corporate status to various religious groups, including the act to incorporate “Texas Christian College” passed on February 2, 1856, in which the lawmakers deemed it prudent to prohibit the board of trustees from being authorized “to injure the Christian Church or the church of God.” It seems clear that, even after becoming a part of the United States, Texas still operated from a Protestant Christian worldview in supporting and protecting religious worship and religious-based educational pursuits.³

In spite of the above line-blurring actions, Texas lawmakers still sought to erect a wall around certain persons and entities under the guise of “separation of church and state.” The picture that emerges is a bit confusing as the lawmakers seemed to “strain at a gnat, and swallow a camel” in their efforts to insure there would be no religious bias in

some legislation, but intentionally relied upon Christian virtues and Biblical teachings as the basis for other legislation and state action.⁴

Professor Hamburger states in his book that, historically, the argument in support of separation of church and state contained an anticlerical element. In a move that seems to support that view, Texas lawmakers early on sought to separate church from state in the new Republic by inserting a provision in the Constitution of 1836 which disqualified a “minister of the gospel or priest of any denomination whatever” from being elected to either the executive or legislative branches of the new government. A partial rationale for this prohibition appeared in the constitutional article wherein it is stated that “ministers of the gospel” should not be distracted from the care of souls and their duties to God by being involved in the political sphere. Similar provisions appeared in the state constitutions of 1845 and 1861, although in these later documents the prohibition was limited to election to the legislature.⁵

Texas was not the first state to include such language in its constitution. The state of Virginia apparently initiated the movement toward the disqualification of clergy for elective office when in 1775 a convention in Richmond adopted an ordinance which prevented all clergymen and all dissenting ministers and teachers from being elected as “delegates, or sitting and voting in convention.” The Virginia constitution adopted in 1776 included the substance of this provision as well. Thomas Jefferson, who missed the 1776 state constitutional convention because of his involvement with the Continental Congress then meeting in Philadelphia, approved of the disqualification of clergy at that time. However, in a letter to Jeremiah Moor in August, 1800, Jefferson expressed a

change of heart. Although he believed that clergy had a history of engrafting themselves in the “machine” of government, he stated in the letter that American clergy had by the time of that writing “relinquished all pretensions to privilege, and to stand on a footing with lawyers, physicians, etc.” He concluded, therefore, that clergy should no longer be prohibited from being eligible for elective office.⁶

Despite Jefferson’s espousal of his evolved opinion in the matter, Virginia continued to maintain the prohibition in its constitution until after the Civil War. Moreover, numerous other states inserted similar language in their constitutions both before and after the date of Jefferson’s letter. New York’s version, adopted in 1777, was almost identical to that adopted almost 60 years later by Texas, but went even further to ban clergy from election to “any civil or military office within this state.” Other states whose clauses were almost identical to New York’s were South Carolina, Tennessee, and Mississippi. Several states also contained other versions of disqualifying clauses, including Delaware, North Carolina, Missouri, Georgia, Florida, Louisiana, Kentucky, and Maryland. When E. G. Swem wrote an article regarding this issue in 1917, Maryland and Tennessee *still* maintained the ban on clergy holding political office. A quick review of the states who adopted these disqualifying clauses reveals that all adopted those provisions prior to Texas. It is clear, therefore, that Texas was merely following the lead of these other states from which many Texans had migrated and almost all of which were slaveholding and southern in their politics and culture.⁷

Whereas records of the discussions leading to the adoption of the 1836 Republic of Texas Constitution are not extant, the minutes of the debates concerning the 1845 state

constitution are readily available. These reveal an extended and lively debate among several members of the convention over the inclusion of the clergy prohibition in the new state constitution. In all, twelve different men entered the debate on the floor of the convention to voice their opinions, with ten speeches for deleting the ban and six supporting it. The debate continued over the span of two days, after being raised when Ballard Bagby of Red River County moved to strike the section entirely because he did not think any man should be disfranchised and did not want such language in the state constitution. Next, Francis Moore, Jr. of Harris County argued that the state's Bill of Rights declared that "no man or set of men shall be disfranchised." He argued that the insertion of language into the constitution that ministers of the Gospel shall be disfranchised would therefore make the document internally inconsistent.⁸

At that point, R. E. B. Baylor, took the floor to argue in favor of the measure. He pointed out that the state of Louisiana, as well as many others, had adopted the same or similar provision. Baylor famously stated, "I do not think that any office coming directly from the people ought ever to be filled by the clergy of any denomination." He further argued that the provision should be retained because it was "calculated to keep clear and well defined the distinction between Church and State, so essentially necessary to human liberty and happiness." Moore responded to Judge Baylor's argument by pointing out the irony that Baylor, a minister of the gospel, had been elected directly by the people to his position in the convention. Moore further argued that the position of Judge Baylor constituted a reproach to the citizenry to shut out holy and pure ministers from elective office because of fear that they might commit evil acts.⁹

The discussion continued into the next day and took up the entirety of the debate for the following two sessions until the delegates voted to retain the prohibition. The majority of the discussion focused, on the one hand, both upon the rights of the people to elect whomever they wished and the rights of ministers of the gospel to be elected to the legislature, and, on the other, upon the fear of the union of church and state and the need for ministers to focus upon their sphere of influence apart from the political arena.¹⁰

One of the clearest and most forceful speeches in opposition to the ban was made by Lemuel Evans of Fannin County. Evans entered the fray in the middle of the second day to argue that the language of the provision under discussion constituted two different issues which were both objectionable for similar reasons. First, he urged that the wording concerning the care of souls and duties to God “had no business in the Constitution of our country.” He did not believe that such matters were appropriate subjects for legislators to address. Evans’ position on the separation of church and state led him to urge removal of this reference to religious concerns and duties in the Texas state constitution. He was one of the few who recognized, at least on the record, that this entire discussion was crossing the line between church and state by involving the state in church issues. Second, Evans argued that the disenfranchisement of ministers had nothing to do with the union of church and state. If their service in the legislature portended such a union, why not also ban them from the executive and judicial branches, Evans asked. Further, the freedom of religion provisions in the Texas Bill of Rights assured the separation of church and state, according to Evans, without the need for this ban. He asserted that no class should be deprived of representation in the legislature of a well-organized government.¹¹

Although the 1845 convention finally voted to include the ban in the new state constitution, the controversy did not end there. In 1853, some eight years later, R. B. Wells wrote a letter to a Major Hampton that was published in the *Texas State Gazette* in its November 29th edition regarding “Preachers and the Legislature.” In his epistle, Wells advocated a position against the constitutional provision akin to that made by Lemuel Evans in 1845. Wells stated that the convention which adopted the constitution “had no right to metamorphose itself into an ecclesiastical synod, and declare what class of professing Christians should be excluded from the common privilege of a seat in the Legislature.” Wells’ message mirrors Evans’ regarding the impropriety of the state crossing the line into telling the church how it should function. Wells further asserted that such rules of exclusion should come from the church, not from the political authority. The ban remained until after the Civil War. Once again, the argument was being made that by inserting this ban in its constitution, the state was involving itself in church matters in its attempt to bar the church from state matters. With this precedent being established by the institution of the ban, it constituted a small step for the state, the media and the public later to involve themselves in church matters regarding slavery.¹²

It is interesting to note that the 1845 convention members also passed a constitutional provision under Article VI which provided that “no licensed minister of the gospel shall be required to perform military duty, work on roads, or serve on juries in this State.” The debate on this language was quite short and muted compared to the discussion on the eligibility of clergy to be elected to the legislature. Essentially, the delegates apparently believed that, because “ministers of the gospel” had been

disqualified from serving in the legislature, then they should also be exempt from such civic duties. In this manner, they were consistently “protecting” clergy from being distracted from their “care of souls.” Not surprisingly, Lemuel Evans voted against the adoption of this section. This was consistent with his previous argument that the subject matter was outside the convention’s and constitution’s purview. It should also be noted that this religious exemption applied solely to Christian ministers and not to the representatives of any other faith. It is unclear whether this limitation was due to the narrowness of the legislators’ worldview in not including other faiths in this provision or whether it reveals an elite view Texas legislators may have maintained for Christian clergy and their role in society.¹³

In addition to “protecting” clergy as part of its resolve to keep church and state separate, Texas was influenced by the precedence of Virginia law regarding the propriety of incorporating religious organizations. The constitution of that state, along with the derivative constitution of West Virginia, originally prohibited the incorporation of any church or religious denomination. Virginia did not amend its constitution to delete this provision until January 1, 2007, whereas West Virginia still maintains the prohibition as of the writing of this thesis. The debate regarding the legal status of religious groups in Virginia during the antebellum period shed much light on the problems that existed when applying religious liberty to their society. Apparently, Texas encountered some of the same problems during the antebellum period.¹⁴

The root of the issue in Virginia can be traced to its Statute of Religious Freedom, written by Thomas Jefferson and passed by the state’s General Assembly in 1786. That

statute essentially declared that government's only religious function was to guarantee freedom of religion. It also prevented any form of governmental control or inhibition in the exercise of religious liberty. Over the next half century, Virginia's lawmakers, in their attempt to build a wall of separation between church and state, actually increased the involvement of the state in religious matters. The churches and their corporate activities were subordinated to the dictates of the legislature. Churches and other religious groups were denied the right to acquire and hold property, to enter into contracts, or to inherit bequests. Despite repeated efforts by various denominational and religious groups to get legislation passed to overcome these legal disabilities, the Virginia legislature stood fast in its denial of the right of incorporation. Factors that held sway over these lawmakers during the first half of the nineteenth century included fervent support for the separation of church and state, fear of possible Catholic hegemony if adherents of that faith were allowed to incorporate, wariness of the concentration of wealth in any incorporated church or denomination, and objection to the establishment of religion that incorporation by the state might bring about. In 1842, the General Assembly did pass a bill that granted trustees title to church buildings, cemeteries, and parsonages, but did not address the issues of corporate status of such entities or the legality of bequests to or from them. During the next few years, many denominations sought to change the law to allow incorporation, but were unsuccessful. Not all religious groups were in agreement, however. Some remained intransigent in their support of the total separation of church and state, urging the legislature to repudiate the efforts to pass laws that would allow for incorporation.¹⁵

Texas apparently got somewhat caught up in the same controversy and conflict that tormented Virginia's lawmakers for decades regarding the incorporation issue. During the years of the Republic, the Texas congress on several occasions addressed the incorporation of religious groups. The first instance arose in the form of a bill to incorporate an Episcopal church in the community of Matagorda in 1837. Sen. Albert Horton introduced the bill on May 12, 1837, during the "Adjourned" session of the legislature. The Senate Journal for that session does not delineate any discussion of the measure, merely indicating that on May 23rd the bill received its third reading, was passed, and then forwarded to the House of Representatives for consideration. When the House version was considered on May 25th, Edward Branch of Liberty engaged in various procedural maneuvers to derail its passage. Eventually, Branch, who later served as an Associate Justice of the Texas Supreme Court, moved to reject the bill, which motion was approved by a comparatively comfortable margin. Similar to the Senate, the House Journal does not give any details on the reasoning of the members in voting against the incorporation of the church. It is interesting to note, however, that Mr. Branch was a native of Virginia who moved to Texas by way of Mississippi in 1835. It is certainly possible that he brought a certain bias against incorporation of religious groups from his native state.¹⁶

A second opportunity for the Texas lawmakers to address the issue of incorporation of religious groups occurred on December 4, 1840, when a bill "of general incorporation of religious societies" was brought before the Texas House by Rep. John Murchison of Fayette County. After the bill was referred to the Committee on the State of

the Republic, it was reported back to the House on December 15th. In its report, the committee stated that it did not believe that the “circumstances of the country required the passage of such a law” and recommended that the bill be laid on the table. The House accepted the report and the bill did not get taken up again during that legislative session.¹⁷

The legislature had yet another experience in considering the incorporation of religious groups just a year later. On December 18, 1841, a bill to incorporate religious societies was again introduced on the House floor which would give district judges authority to approve the corporate status of those groups. Once the bill was reported from committee on December 30th, the journal for the first time contains three pages of discussion by the representatives on the issue. Many varying opinions were expressed, from outright support to firm opposition. One legislator thought the bill should allow for not just Christians, but all faiths to incorporate their groups. Representative James Mayfield of Nacogdoches County spoke extensively in support of the measure by pointing out that many places in the United States allowed for the incorporation of church groups and that those in the Texas House who opposed such were usually from states in the U.S. that did not allow such action. Mayfield indicated that he saw no harm in the limited privileges that the proposed bill granted to these groups and that it would relieve the Texas Congress of much legislation. Representative Louis Cooke of Travis County countered by saying that he opposed giving away the authority of the House and Senate in the area of granting corporate status for religious organizations. He believed this measure would grant *carte blanche* to the district judges to legislate in place of the Congress which was contrary to the intent of the Texas Constitution. He also believed

that the bill would actually increase legislation rather than reduce it because groups would still seek Congress's approval of their charters on "different principles." Finally, Cooke argued that this provision violated the separation of powers by granting to the judiciary a prerogative of the legislature. No one made the argument on the record that the bill threatened the separation of church and state. After Cooke and Mayfield engaged in their spirited debate, the bill was indefinitely postponed by a vote of twenty-one to eleven.¹⁸

The issue raised its head again almost two years later when Rep. James Johnston of Red River County introduced a bill to incorporate the Cumberland Presbyterian Church of Clarksville on December 20, 1843. Johnston had not been a member of the legislature when the earlier bills had been before the House. Johnston's bill was later referred to the House Committee on Education which reported back on January 8, 1844, with two proposed amendments. The first of those amendments limited the value of the church's property to a maximum of \$200,000.00 and set a term for the life of the corporation to 50 years. The second set up a review process whereby the Congress was permitted to send "visitors" to check up on the church to make sure it was abiding by its corporate charter and, if not, to then report to the district court which would direct the district attorney to investigate the violation of the charter. These amendments passed, the bill was adopted as amended, and the act was forwarded to the Senate for action.¹⁹

After its second reading on January 12, 1844, the amended bill was referred to the Senate Committee on the State of the Republic. That committee reported the bill back to the floor of the Senate on January 16th recommending passage. Later that same day, the

bill was again read a second time, and, upon motion by Sen. John Alexander Greer, was laid upon the table. There it died and was not taken up again during the 1843-44 legislative session. Once again, the incorporation of churches and other religious groups was defeated with little or no explanation. If Johnston's bill had passed, as amended, it would have involved the legislature, the judiciary, and the executive branches in very intrusive actions in overseeing and investigating whether the church abided by its charter. Instead of adhering to the separation of church and state, such a law would have increased the state's involvement in the church's governance.²⁰

One last time during the years of the Republic, an effort was made to pass some form of legislation to assist religious groups. On December 20, 1844, Senator Timothy Pilsbury introduced a bill innocuously entitled "an act to authorize the appointment of Trustees in certain cases." The aim of the bill was to allow a board of trustees to be formed specifically by Christian denominations or generally by "citizens of a neighborhood in this Republic" who would be able to hold title to land, in trust, to sue and be sued, and to enter into contracts on behalf of the group they represent. Limits were placed on the amount of property that such trustees could hold in trust. However, similar to the 1842 law enacted in Virginia, the bill did not specifically grant corporate status to these organizations. The bill was subsequently referred to the Committee on the Judiciary. On January 7, 1845, Sen. David Kaufman reported the bill from the committee with some proposed amendments that added certain limitations to the legislation, likely making it more acceptable for those who feared that the measure would enhance ecclesiastical power and hegemony. The bill was then approved, sent to the House for

concurrence, and finally passed without amendment and without much discussion on January 25, 1845.²¹

It was a rather anticlimactic conclusion to this almost 8-year struggle to grant some sort of legal status to religious groups in the Republic of Texas. The new law remained in effect upon Texas' annexation by the United States under the terms of the new Texas state constitution adopted in 1845 and continued to govern the legal status of religious groups until a new comprehensive private corporation law was enacted in 1871 which specifically allowed religious organizations to be incorporated. While Texas avoided much of the angst and legal conflicts that Virginia's lawmakers experienced in dealing with the legal status of religious groups, the results were similar. During the antebellum period, Texas did not grant churches and religious groups the power to incorporate, but it did give them a process by which they could organize their trustees to exercise ownership over property and assert certain legal rights. Although not stated in any of the House and Senate Journals for the 1844-1845 session, it seems reasonable to assume that Texas agreed with Virginia to a point that the incorporation of religious groups constituted at least an impermissible entanglement between church and state, if not an outright establishment of religion by the state.²²

The foundations for the religious culture and atmosphere in Texas in 1860 and 1861 were laid in the 1830s, 1840s, and 1850s. The mainline denominations who sent dynamic missionaries into Texas in the 1830s and 40s inserted themselves into the very fabric of the new nation. Methodist, Presbyterian, Baptist and Episcopalian clergy preached in the halls of Congress, served as judges, chaplains, and delegates to

conventions, established schools, and met with politicians on a regular basis. Politicians and secular leaders such as Sam Houston and William Barrett Travis publicly endorsed religious services and activities. At the same time, Texas lawmakers from 1836 to 1861 were regularly involved in drawing lines endeavoring to separate the church from the state in certain areas of life. In this regard, they were strongly influenced by the example set by Virginia and other southern states in disqualifying clergy from public office and in refusing to allow the incorporation of religious groups.

Even in their legislative actions which disallowed clergy to serve in the legislature and made it difficult for religious groups to incorporate, Texas lawmakers continued to involve themselves in the religious sphere. This blurring of the lines of separation continued right up to the Civil War. The arguments regarding the prohibition of clergy to serve in the legislature, the exemption of Christian ministers from certain “civic duties,” and the disallowance of the incorporation of religious groups reflected the same mindset underlying the church-state implications with slavery. The same logic that concluded that ministers should not be eligible for serving in the legislature and that religious groups should not be allowed to incorporate was also utilized to argue that slavery was not a proper topic for the church to address. While the Lemuel Evans-type thinkers would have insisted that the state had no business telling the church and its clergy what they could believe and what messages they could proclaim, the antebellum Texas cultural and political elite which controlled the future course of that society obviously thought otherwise. That elite held to the position that a proper separation of church and state meant that the ministers’ duties were to care for souls, not to engage or preach about any

social ill, except maybe the imbibing of alcohol to excess and the honoring of the Christian Sabbath as will be seen in Chapter VI.

¹ Senate of the Republic of Texas, *Senate Journal*, October 3, 1836 – December 22, 1836; 1st Cong., Reg. Sess., p. 56; <http://www.lrl.state.tx.us/scanned/CongressJournals/01/SJournal1stCon.pdf> [accessed 02/10/2014]; Senate of the Republic of Texas, *Senate Journal*, November 6, 1837 – December 19, 1837; 2nd Cong., Reg. Sess., p. 139; <http://www.lrl.state.tx.us/scanned/CongressJournals/02/journalsSenate2Con.pdf> [accessed 02/10/2014]; House of Representatives of the Republic of Texas, *House Journal*, November 6, 1837 – December 19, 1837; 2nd Cong., Reg. Sess., p. 208; <http://www.lrl.state.tx.us/scanned/CongressJournals/02/journalsHouse2ConReg.pdf> [accessed 02/10/2014]; Senate of the Republic of Texas, *Senate Journal*, May 1, 1837 – June 13, 1837; 1st Cong., Adj., Sess., p. 6; <http://www.lrl.state.tx.us/scanned/CongressJournals/01/SJournal1stConAdj.pdf> [accessed 02/10/2014]; House of Representatives of the Republic of Texas, *House Journal*, November 5, 1838 – January 24, 1839; 3rd Cong., Reg. Sess., p. 136; http://www.lrl.state.tx.us/scanned/CongressJournals/03/HouseJournal3rdCon_101.pdf [accessed 02/10/2014].

² H. P. N. Gammel, By the President of the Republic of Texas: Proclamation, *The Laws of Texas 1822-1897*, Vol. II (Austin: The Gammel Book Company, 1898): 1191-96 <http://texashistory.unt.edu/ark:/67531/metaph6726/m1/1195/> [accessed February 15, 2014]; H. P. N. Gammel, “An Act Granting Land to Emigrants,” *The Laws of Texas, 1822-1897*, Vol. II (Austin: The Gammel Book Company, 1898): 554-557 <http://texashistory.unt.edu/ark:/67531/metaph6726/m1/554> [accessed February 15, 2014].

³ House of Representatives of the State of Texas, *House Journal*, February 16, 1846 – May 13, 1846, 1st Reg. Sess., p. 11; <http://www.lrl.state.tx.us/scanned/HouseJournals/1/houseJournal1stLeg001.pdf> [accessed February 25, 2014]; H. P. N. Gammel, “Chapter LIII: An Act to Protect the Land Titles in Castro’s Colony,” *The Laws of Texas, 1822-1897*, Vol. III (Austin: The Gammel Book Company, 1898): 497-500; <http://texashistory.unt.edu/ark:/67531/metaph6728/m1/501/> [accessed February 25, 2014]; Ibid., “Chapter XI: An Act to Exempt Buildings and Grounds designed and used for purposes of Education or Public Worship, from Taxation,” 447; <http://texashistory.unt.edu/ark:/67531/metaph6728/m1/451/> [accessed February 25, 2104]; Ibid., “Chapter LXXVI: An Act to Protect Camp-Meetings and other places of public worship from molestation and disturbance,” 961; <http://texashistory.unt.edu/ark:/67531/metaph6728/m1/965/> [accessed February 25, 2014]; Ibid., “An Act to Protect Religious Meetings,” 1429-30; <http://texashistory.unt.edu/ark:/67531/metaph6726/m1/1433/> [accessed February 26, 2014]; Ibid., “Chapter CXLVII: An act to incorporate the Hart’s Creek Turnpike Company,” 617-18; <http://texashistory.unt.edu/ark:/67531/metaph6728/m1/621/> [accessed February 26, 2014]; Ibid., “Chapter LVIII: An Act to incorporate the Texas Christian College,” 367-69; <http://texashistory.unt.edu/ark:/67531/metaph6730/m1/371/> [accessed February 26, 2014].

⁴ Matt. 23:24 (King James Version).

⁵ Philip Hamburger, *Separation of Church and State*, 10; Constitution of the Republic of Texas, Art. V, Sec. 1 (1836), <http://tarlton.law.utexas.edu/constitutions/texas1836/a5> [accessed 11/27/2012]; Constitution of Texas (1845) Art. III, Sec. 27; <http://tarlton.law.utexas.edu/constitutions/texas1845/a3> [accessed 11/27/2012]; Constitution of Texas (1861) Art. III, Sec. 27; <http://tarlton.law.utexas.edu/constitutions/texas1861/a3> [accessed 11/27/2012].

⁶ E. G. Swem, "The Disqualification of Ministers in State Constitutions," *The William and Mary Quarterly*, Vol. 26, No. 2 (Oct. 1917): 73-74.

⁷ *Ibid.*, 76-77.

⁸ Debates of the Texas Convention. William F. Weeks, Reporter. Houston: Published by J.W. Cruger, 1846: 162-63; http://tarlton.law.utexas.edu/constitutions/files/debates1845/1845_07_21_dbt.pdf [accessed 11/27/2012].

⁹ *Ibid.*, 163-64.

¹⁰ *Ibid.*, 164-67; *Ibid.*, 168-200; http://tarlton.law.utexas.edu/constitutions/files/debates1845/1845_07_22_dbt.pdf [accessed 11/27/2012].

¹¹ *Ibid.*, 182-185.

¹² R. B. Wells, "Preachers and the Legislature," *Texas State Gazette*, Vol. V, Issue 15, p. 95 (11-29-1853); <http://texashistory.unt.edu/ark:/67531/metaph81111/m1/3/> [accessed November 13, 2014].

¹³ Debates of the Texas Convention, William F. Weeks, Reporter. Houston: Published by J.W. Cruger, 1846: 327-28; https://tarltonapps.law.utexas.edu/constitutions/files/debates1845/1845_07_31_dbt.pdf [accessed 11/27/2012].

¹⁴ Thomas E. Buckley, "After Disestablishment: Thomas Jefferson's Wall of Separation in Antebellum Virginia," *The Journal of Southern History*, Vol. 61, No. 3 (Aug., 1995): 445-480.

¹⁵ *Ibid.*, 445-460; An Act Concerning Conveyances or Devises of Places of Public Worship; *Acts of the General Assembly of Virginia*, Ch. 102 (Richmond: 1842): 60.

¹⁶ Senate of the Republic of Texas, *Senate Journal*, May 1, 1837 – June 13, 1837; 1st Cong., Adj. Sess., pp. 7, 17; <http://www.lrl.state.tx.us/scanned/CongressJournals/01/SJournal1stConAdj.pdf> [accessed 01/30/2014]; House of Representatives of the Republic of Texas, *House Journal*, May 1, 1837 – June 13, 1837; 1st Cong., Adj. Sess., pp. 57, 64; <http://www.lrl.state.tx.us/scanned/CongressJournals/01/HJournal1stConAdj.pdf> [accessed 01/30/2014]; The University of Texas School of Law Tarlton Law Library, Jamail Center for Legal Research: Justices of Texas 1836-1986: Edward Thomas Branch (1811-1861); <http://tarlton.law.utexas.edu/justices/profile/view/8> [accessed 01/30/2014].

¹⁷ House of Representatives of the Republic of Texas, *House Journal*, November 2, 1840 – February 5, 1841; 5th Cong., Regular Sess., pp. 192, 270; <http://www.lrl.state.tx.us/scanned/CongressJournals/05/EntireVolume.pdf> [accessed 01/30/2014].

¹⁸ House of Representatives of the Republic of Texas, *House Journal*, November 1, 1841 – February 5, 1842; 6th Cong., Regular Sess., pp. 187, 233-36; http://www.lrl.state.tx.us/scanned/CongressJournals/06/houseJournalsCon6_Entire.pdf [accessed 01/31/2014].

¹⁹ House of Representatives of the Republic of Texas, *House Journal*, December 4, 1843 – February 5, 1844; 8th Cong., Regular Sess., pp. 49, 62, 99, 172, 194; <http://www.lrl.state.tx.us/scanned/CongressJournals/08/8thCongHouseRegular101.pdf> [accessed January 31, 2014].

²⁰ Senate of the Republic of Texas, *Senate Journal*, December 4, 1843 – February 5, 1844; 8th Cong., Regular Sess., pp. 112, 118, 122; <http://www.lrl.state.tx.us/scanned/CongressJournals/08/journalsSenate8Con.pdf> [accessed 01/31/2014].

²¹ Senate of the Republic of Texas, *Senate Journal*, December 2, 1844 – February 3, 1845; 9th Cong., Regular Sess., pp. 59, 64, 115, 127; <http://www.lrl.state.tx.us/scanned/CongressJournals/09/SenateJournal9thCon.pdf> [accessed 01/31/2014]; House of Representatives of the Republic of Texas, *House Journal*, December 2, 1844 – February 3, 1845; 9th Cong., Regular Sess., p. 299; <http://www.lrl.state.tx.us/scanned/CongressJournals/09/9thHouseRegular.pdf> [accessed 01/31/2014].

²² Texas Constitution of 1845, Art. XIII, Sec. 3; <http://tarlton.law.utexas.edu/constitutions/texas1845/a13> [accessed February 3, 2014]; H. P. N. Gammel, *The Laws of Texas 1822-1897*, Vol. VII (Austin: The Gammel Book Company, 1898): 68 - 84 <http://texas.history.unt.edu/ark:/67531/metaph6732/m1/68> [accessed February 3, 2014].

CHAPTER V

EDUCATION AND SEPARATION OF CHURCH AND STATE IN ANTEBELLUM TEXAS

A third major area of concern for Texans arising during the years of the Republic and antebellum period concerned the education of their children. A major complaint which Texas revolutionaries asserted against the Mexican government is stated in the Declaration of Independence of March 2, 1836, "It has failed to establish any public system of education. . . although it is an axiom in political science, that unless a people are educated and enlightened, it is idle to expect the continuance of civil liberty, or the capacity for self-government." It is no surprise, therefore, that many efforts were made throughout the years at issue that Texas lawmakers, urged on and supported by many religious leaders, enacted statutes time and again to establish various schools across the country. As part of these efforts, Texas lawmakers at least ostensibly sought to separate church and state relations in the management of many of these institutions. Between 1836 and 1860, numerous incorporation bills were considered by the Congress of the Republic and, thereafter, by the state legislature. While the form and extent of the language used in these bills varied on a case-by-case basis, the vast majority contained provisions that made clear the non-sectarian nature of each new entity in order to pass muster according to the church-state dichotomy.¹

One of the early instances of the incorporation of a school in Texas under the new Republic occurred during the First Congress of 1836-37 when, on June 5, 1837, San Augustine University was chartered. As a precursor to similar language in dozens of incorporation statutes involving non-sectarian educational institutions, the statute creating the school included the provision that this “institution shall be accessible equally alike to all, without regard to opinions of religion or politics.” Nevertheless, the school was greatly influenced by the Presbyterian denomination.²

One of the first members of the Board of Trustees was Sumner Bacon, hereinabove described as an early missionary of the Cumberland Presbyterian Church who came to Texas with the goal of establishing a school. San Augustine University had a brief and rocky history, initially selling three leagues of the land granted to it by the government in order to purchase a two-story building located in the southwestern part of the town of San Augustine. The building was then rented for two years to a Presbyterian, J. M. Rankin, for an academy. Although the board of trustees was reorganized to reflect a diverse religious viewpoint once the school finally began operations, the list of teachers and administrators during the life of the school consisted mainly of Presbyterian clergy and laity. The first president of the school, Reverend Marcus A. Montrose, also a Presbyterian minister, became involved in a theological controversy with an itinerant Methodist preacher which led to Montrose’s resignation in 1845 and “the ruin of the school.” Despite the efforts of the organizers, trustees, administrators, and teachers, San Augustine University did not award a single degree in its short five-year existence. Despite its brief tenure, this institution serves as an early example of the Republic’s

efforts to establish non-sectarian schools in the midst of the involvement of the religious segment of society in organizing those same schools.³

Similar efforts to establish schools to educate the children of Texas were made by the Methodists. Dr. Martin Ruter, the early Methodist missionary to the Republic who died unexpectedly in 1838, sought to locate an educational institution in the Bastrop, Texas, area. After his death, other Methodist leaders moved the location of the proposed new school to a spot in Fayette County where they established the town of Rutersville. The first bill for the granting of a charter for “Rutersville College” was brought before the Texas Congress in 1838, but was ultimately rejected. This setback did not stymie the Methodists for long as a new effort was launched soon thereafter.⁴

The first version of the charter granted to Rutersville College in early 1840 was quite restrictive, not surprising considering the opposition in Texas to the incorporation of religious groups as outlined above. The original Rutersville College charter followed the pattern that the Congress set for essentially all of the educational institutions during these early years. The government granted four leagues of land to the school, but limited its property holdings to \$25,000 and its corporate existence to just ten years. In addition, this charter prohibited any religious bias, at least within the Christian context, in the school’s approach, stating that “students of all religious denominations shall enjoy equal advantages.”⁵

The Methodist church leaders did not accept some of these restrictions as the final word from the legislature and were able to obtain certain concessions in 1841 when the property value limit was increased to \$100,000.00 over and above the value of necessary

buildings and the corporate life of the college was extended to 99 years. The total time elapsed between the first introduction of a bill to charter Rutgersville College in 1838 and the final passage of the more liberal provisions in 1841 was over two years. In the midst of this consideration of the Rutgersville charter, another educational institution, Union Academy, was presented to the Congress. Unlike San Augustine and Rutgersville, Union was not affiliated with or supported by a specific religious denomination. From the introduction of the Union Academy bill on December 6, 1839, to its final passage on January 3, 1840, was a period of less than one month. While the terms of Union Academy's charter were also somewhat restrictive in limiting the school's personal property to \$20,000.00 and providing that its accessibility to students was open to all without regard to religion or politics, the absence of any overt religious or denominational ties raises the question whether such absence facilitated the much faster approval of Union's charter.⁶

Wesleyan Male and Female College of San Augustine, chartered in 1844, and Baylor University, chartered in 1845, are the only two educational institutions established during the years of the Republic which the Congress did not mandate to be open to members of any and all religious denominations or to all persons regardless of religious or political opinions. While both the Wesleyan and Baylor legislative acts appear innocent enough in their treatment of church-state relationships, the history of the language contained within the Wesleyan school bill is quite instructive. Wesleyan, as its name indicates, was a Methodist sponsored entity. The legislation was introduced in December, 1843, in the House of Representatives. The Education Committee to which

the bill was referred returned it with a favorable recommendation. That recommendation, however, included one proposed amendment which would have required the Methodist school to subject its management and control to the oversight of the government and would have empowered Congress to form committees or “visitors” who would have unfettered access to the premises of the school. Representative John Lewis proposed an amendment to the committee’s report which would further allow the proposed visiting committee to present any of its concerns that the “powers granted [to the school’s administrators] have been transcended” to the local Circuit Court. That Court could then forfeit the school’s charter if such concerns were proven.

Both of these proposals were adopted by the House and forwarded to the Senate for concurrence. The Senate thereafter greatly modified the House version, deleting all reference to the formation of a committee or “visitors,” and merely inserting a more general provision that noncompliance with the act establishing the school would work a forfeiture of the charter. The House then adopted the Senate’s less intrusive version of the bill and it was signed into law by President Houston on January 16, 1844. By removing the language which would have granted the Congress far-reaching powers of oversight and control over the church-related school, the lawmakers continued the less intrusive church-state separation policies established earlier in other arenas by the Texas Congress and followed later by the state legislature.

Not surprisingly, when the Baylor charter was brought forward the following year, the Congress inserted the same general compliance language for the Baptist institution that had been approved for the Wesleyan school with practically none of the

same fanfare and legal maneuverings. By the time Austin College, a Presbyterian school, was chartered in November, 1849, the legislature did not include the compliance language contained in the Wesleyan and Baylor statutes. While the Austin College bill did not contain the same prescriptive language as the San Augustine University legislation, it did prohibit religious tests from being required of any President, professor or tutor and prevent any student from being censured, suspended or expelled based upon his political or religious opinions. It is clear that both the Texas Congress and its successor, the state legislature, continued to seek throughout the years under examination to insure that, even with regard to denominational schools, religious opinions would not be a bar to one's access to higher education.⁷

The Texas lawmakers were just as diligent when chartering nondenominational educational institutions. A review of many other charters brought before the Texas Congress between 1836 and statehood in 1845 and the state legislature between 1845 and 1861 reveal a largely consistent treatment of church-state relations. During the years of the Republic, schools including Independence Academy, DeKalb College, Union Academy, Galveston University, Guadalupe College, and Trinity College, among others, each contained language that provided that students from all "religious denominations" would enjoy equal advantages or privileges at those schools. The Texas Congress thereby endeavored to insure that the state schools it chartered did not serve as avenues for inculcating a specific denominational slant on their students. Similarly, the Texas state legislature during the antebellum period chartered numerous schools, continuing the practice of insuring that students from all religious denominations would be treated

equally. Noteworthy by its absence, however, is any language in these chartering statutes that outlawed or prohibited religious or sectarian involvement in the selection of trustees, administrators or teachers or in the preparation and presentation of educational materials to the students.⁸

Both the Congress of the Republic of Texas and the Texas state legislature sought to maintain the separation of church and state in the chartering of educational institutions. The lines they drew, however, did not prohibit the religious activity in the public square that had become common as long as it did not infringe in any way on the “peculiar institution” of slavery. It was definitively a pro-slavery society, which these same churches and Protestant Christian spokesmen and legislators supported and promoted, increasingly to the detriment of religious freedom. This culture was not only reflected in the legislative enactments of the time, but also in the plethora of newspapers, both religious and secular, that arose during the antebellum period. It is necessary to conduct an analysis of the newspapers and their approach to the religious v. secular dichotomy as applied to some of the moral issues of the day to more fully understand the predominant cultural mindset.

¹ Texas Declaration of Independence, *Laws of the Republic of Texas, in Two Volumes*, Volume I, (Houston: Printed at the Office of the Telegraph, 1838); <http://texashistory.unt.edu/ark:/67531/metaph45356/> [accessed March 21, 2014]: 5.

² Gammel, “An Act to Incorporate the Trustees of Independence Academy and of the University of San Augustine,” *The Laws of Texas, 1822-1897*, Vol. I (Austin: The Gammel Book Company, 1898): 1295-96; <http://texashistory.unt.edu/ark:/67531/metaph5872/m1/1303/> [accessed March 21, 2014].

³ Red, *A History of the Presbyterian Church in Texas*, 220-23. During the same Congressional session and on the same day as the incorporation of San Augustine University, the legislature passed a bill granting a charter to Washington College. The language used to limit sectarianism in this instance was less specific than the San

Augustine bill, providing, “Be it further enacted, That the privileges, benefits and facilities of said College shall be equally accessible to all without regard to the peculiarity of opinion.” Gammel, “An Act to Incorporate the Trustees of Washington College,” *The Laws of Texas, 1822-1897*, Vol. I (Austin: The Gammel Book Company, 1898): 1296-97; <http://texashistory.unt.edu/ark:/67531/metapth5872/m1/1304/> [accessed March 21, 2014].

⁴ Macum Phelan, *A History of Early Methodism in Texas 1817-1866* (Cokesbury Press: Nashville, Richmond, Dallas, San Francisco, 1924): 128-130; House of Representatives of the Republic of Texas, *House Journal*, November 5, 1838 – January 24, 1839; 3rd Cong., Regular Sess., p. 314; http://www.lrl.state.tx.us/scanned/CongressJournals/03/HouseJournal3rdCon_301.pdf [accessed May 5, 2014]; Senate of the Republic of Texas, *Senate Journal*, November 11, 1839 – February 5, 1840; 4th Cong., Regular Sess., p. 172. http://www.lrl.state.tx.us/scanned/CongressJournals/04/senateJournalsCon4_101.pdf [accessed January 31, 2014].

⁵ Phelan, *A History of Early Methodism in Texas 1817-1866*, 129.

⁶ Ibid., 129-130; Senate of the Republic of Texas, *Senate Journal*, November 11, 1839 – February 5, 1840; 4th Cong., Regular Sess., pp. 93, 138, 203, 209; http://www.lrl.state.tx.us/scanned/CongressJournals/04/senateJournalsCon4_Entire.pdf [accessed January 31, 2014]; House of Representatives of the Republic of Texas, *House Journal*, December 2, 1844 – February 3, 1845; 9th Cong., Regular Sess., p. 299; <http://www.lrl.state.tx.us/scanned/CongressJournals/09/9thHouseRegular.pdf> [accessed January 31, 2014]; Gammel, “An Act to Incorporate the Trustees of the Union Academy in the County of Washington,” *The Laws of Texas, 1822-1897*, Vol. II (Austin: The Gammel Book Company, 1898): 418-19; <http://texashistory.unt.edu/ark:/67531/metapth6726/m1/422/> [accessed April 26, 2014].

⁷ Gammel, “An Act to Establish and Incorporate Wesleyan Male and Female College of San Augustine,” *The Laws of Texas, 1822-1897*, Vol. II (Austin: The Gammel Book Company, 1898): 931-34; <http://texashistory.unt.edu/ark:/67531/metapth6726/m1/935/> [accessed May 6, 2014]; Ibid., “An Act to Incorporate Baylor University,” 1130-33; <http://texashistory.unt.edu/ark:/67531/metapth6726/m1/1134/> [accessed May 6, 2014]; House of Representatives of the Republic of Texas, *House Journal*, December 4, 1843 – February 5, 1844; 8th Cong., Regular Sess., pp. 51, 61, 105, 120, 210; <http://www.lrl.state.tx.us/scanned/CongressJournals/08/8thCongHouseRegular001.pdf> [accessed May 6, 2014]; December 2, 1844 – February 3, 1845; 9th Cong., Regular Sess., pp. 201, 261, 299; <http://www.lrl.state.tx.us/scanned/CongressJournals/09/9thHouseRegular.pdf> [accessed May 6, 2014]; Senate of the Republic of Texas, *Senate Journal*, December 4, 1843 – February 5, 1844; 8th Cong., Regular Sess., pp. 72, 75, 80, 89; <http://www.lrl.state.tx.us/scanned/CongressJournals/08/journalsSenate8Con.pdf> [accessed May 6, 2014]; December 2, 1844 – February 3, 1845; 9th Cong., Regular Sess., pp. 78, 125, 226, 246; <http://www.lrl.state.tx.us/scanned/CongressJournals/09/SenateJournal9thCon.pdf> [accessed May 6, 2014].

⁸ Gammel, “An Act to Incorporate the Trustees of Independence Academy and of the University of San Augustine,” *The Laws of Texas, 1822-1897*, Vol. I (Austin: The Gammel Book Company, 1898): 1295-1296; <http://texashistory.unt.edu/ark:/67531/>

metaph5872/m1/1303 [accessed November 17, 2014]; Ibid., “An Act to Establish and Incorporate the College of DeKalb,” *The Laws of Texas, 1822-1897*, Vol. II (Austin: The Gammel Book Company, 1898): 142-145; <http://texashistory.unt.edu/ark:/67531/metaph6726/m1/146> [accessed November 17, 2014]; Ibid., “An Act to Incorporate the Trustees of Union Academy in the County of Washington,” *The Laws of Texas, 1822-1897*, Vol. II (Austin: The Gammel Book Company, 1898): 418-419; <http://texashistory.unt.edu/ark:/67531/metaph6726/m1/422> [accessed November 17, 2014]; Ibid., “An Act to Incorporate the Galveston University,” *The Laws of Texas, 1822-1897*, Vol. II (Austin: The Gammel Book Company, 1898): 539-541; <http://texashistory.unt.edu/ark:/67531/metaph6726/m1/543> [accessed November 17, 2014]; Ibid., “An Act to Establish and Incorporate the Guadalupe College,” *The Laws of Texas, 1822-1897*, Vol. II (Austin: The Gammel Book Company, 1898): 600-604; <http://texashistory.unt.edu/ark:/67531/metaph6726/m1/604> [accessed November 17, 2014]; Ibid., “An Act to Incorporate Trinity College,” *The Laws of Texas, 1822-1897*, Vol. II (Austin: The Gammel Book Company, 1898): 610-612; <http://texashistory.unt.edu/ark:/67531/metaph6726/m1/614> [accessed November 17, 2014].

CHAPTER VI

LINES DRAWN BY THE MEDIA

Obviously, the Congress of the Republic of Texas and the antebellum legislature of the state of Texas were not working in a cultural vacuum during those early years. Other elements in the surrounding society also reflected and at times influenced the religious nature of the people and their attitudes regarding the separation of church and state. One of the most powerful was the newspapers, both religious and secular, published within the confines of Texas. These papers, located in what is now mostly central and southeast Texas, reflected a decidedly conservative, proslavery and Protestant slant on the politics and social events of the day. During the antebellum period, secular papers published religious news and religious papers published secular news. Moreover, the editors of secular papers contributed their thoughts on religious issues, and editors of religious papers contributed their thoughts on secular or political issues. While no editor of a secular or religious paper in antebellum Texas was prohibited from promoting his opinions on the religious and moral issues of the day, an evaluation of the media's influence on such matters will help complete the picture of the contemporary culture and its views regarding the separation of church and state. It was as the result of the advocacy of those editors and other contributors that insured not only news but also rumor and suspicion would be disseminated widely.

Several religious newspapers were founded in Texas by ministers during the antebellum period, beginning with the Cumberland Presbyterians. The Cumberlands, more evangelistic and revivalistic than more conventional Presbyterians, came to Texas with great missionary energy. The initial leader of this movement was Sumner Bacon who arrived in Texas in 1829 and by 1836 had set about, with young licentiate Andrew Jackson McGown, to establish a presbytery, a newspaper, and a school. Thereafter, the stated goal of the Texas Presbytery in establishing such a periodical was to influence “the moral and religious interest of the community” and “the moral character of the Republic.” Despite such lofty goals, McGown did not publish the first edition of the *Texas Presbyterian* until November 3, 1846. Due to various difficulties, the paper did not attain much success for ten years and at its peak claimed a circulation of 1,000 in 1856 when publication ceased.¹

Similarly, Texas Methodists entered the newspaper publication business during this same time period. Reverend Robert B. Wells began to publish the *Texas Christian Advocate and Brenham General Advertiser* in 1847 as an independent endeavor without church sanction. Due to the small size and remote location of Brenham, the enterprise was short-lived. Orceneth Fisher, Wells’s father-in-law, purchased the equipment, moved it to Houston, and began publishing *The Texas Christian Advocate*, which lasted until about the middle of 1848, when Homer S. Thrall and Robert Alexander began encouraging the Methodist church to publish a paper officially. This resulted in the launching of the *Texas Wesleyan Banner* in April, 1849. In 1850, the Methodist Episcopal Church, South, recognized the *Banner* as an official church publication. By the

end of 1851, the *Banner* boasted a circulation of 1,600, which made it one of the most widely circulated papers in Texas at that time. In 1854, the paper was moved to Galveston where it was published under the name of *Texas Christian Advocate*. It continued in operation until being suspended in December, 1861, due to the ravages of war.²

Texas Baptists were late entering the newspaper publishing business, but were able, after much discussion, to launch the *Texas Baptist* with the first issue being printed in early 1855. The paper, similar to the *Texas Presbyterian*, was privately financed with George W. Baines, pastor of the Anderson church, serving as proprietor and editor. Circulation reached a high of 2,400 copies weekly shortly before the war closed the paper's operation in June, 1861.³

Contemporaneously with the publication of these denominational papers, dozens, if not hundreds, of secular newspapers were being printed across antebellum Texas at one time or another. One of the most influential was the *Telegraph and Texas Register*, also later known as the weekly, tri-weekly, or daily *Telegraph*, then, finally, the *Democratic Telegraph and Texas Register*. The *Telegraph* was published in various places under its various names, including San Felipe de Austin, Harrisburg, Columbia, and finally Houston. During its existence from its founding in 1835 to its final cessation of operations in 1877, the *Telegraph* served at times as the unofficial link between the government and the people and became the preeminent newspaper in the state.⁴

The *Texas State Gazette*, also known as *Tri-Weekly State Gazette* and *Weekly State Gazette*, was another very influential paper during the antebellum period in Texas.

The paper was founded in 1849, but its best known editor, John F. Marshall, did not purchase the *Gazette* until 1854. Under Marshall, the *Gazette* engaged in many pro-slavery and pro-states' rights arguments, including highly critical articles against Sam Houston. Upon the election of Abraham Lincoln to the presidency in 1860, the paper advocated secession. The *Gazette* was able to continue publishing, albeit in a reduced format, during the Civil War, and ceased operations in 1879.⁵

During the antebellum period in Texas, both the secular and religious media focused on a few moral issues in their political advocacy, including most prominently laws regarding the Christian Sabbath and temperance. For example, in August, 1838, the *Telegraph and Texas Register* published a "Narrative of the State of Religion within the Bounds of the Presbytery of Texas," which had been submitted by Amos Roark, the chairman of the Presbyterian committee that compiled the narrative. While the article falls short of advocating the passage of legislation to honor or protect the Sabbath day, it does set forth in fairly strong terms the necessity for all members of the Presbyterian denomination to consecrate the Sabbath, especially by refraining from travel on that day. The basis given for sanctifying the Sabbath in this manner was that "upon its strict observance depends not only the vital interest of godliness and pure morals, but also the temporal prosperity of the community." By publishing this narrative without comment, it is apparent that the editors of the paper agreed with the sentiments expressed therein.⁶

Just a month later, the *Telegraph* inserted an editorial from the *Baltimore American* regarding the need for Sabbath observance. The article asserted that the Sabbath should be "strictly enforced in every well-ordered community." The basis for

such a conclusion was that, quite apart from religious considerations, the need for a day of rest every seven days was beneficial for society. The publication of these two articles, among many others, reflect the secular media's acceptance and advocacy in support of consideration of religious, especially Christian, viewpoints in public affairs.⁷

Throughout the antebellum period, the legislatures of both the Republic of Texas and the state of Texas debated various bills aimed at instituting the observance of the Sabbath as part of the law of the land. These efforts included bills to prohibit the service of civil process and the conduct of other business on the Sabbath, to establish a Sabbath or day of rest, to protect "the Christian Sabbath," to prohibit vice and immorality on the Sabbath, and to "establish" the Christian Sabbath. Each of these bills was duly introduced, read, debated, sometimes amended, and ultimately referred to an appropriate committee, only to die without being passed into law. It was not until 1863 that the Confederate state government of Texas passed a bill prohibiting certain activities on the Christian Sabbath.⁸

Most of these legislative efforts occurred prior to the religious media's existence, but that did not prevent religious views from being promulgated to the public. The secular newspapers of the day carried articles mostly in support of observing the Sabbath, but without many arguments that the passage of such Sabbath-honoring laws crossed the lines between church and state or that the press should not support the passage of those laws due to the link of church and state or the mixture of politics and religion. On numerous occasions, the *Telegraph* published pro-Sabbath anecdotes, editorials, and articles in order to influence public opinion and, at times, legislation. In one instance, the

paper published remarks by a judge from Georgia who stated, “No blessing ever attended the desecration of the Sabbath day.”⁹

On a separate occasion, the *Telegraph* included in its August 29, 1851 edition a list of ways that honoring the Sabbath positively influenced one’s health, concluding that “we may regard the holy Sabbath as operating with great efficiency and as producing the most important results.” In addition, the *Telegraph* published the text of a speech given by the Reverend Dr. William Symington in which he decried the commercialization of the Sabbath and advocated cessation of business on that day. He concluded by warning, “All history testifies to the fact, that there is no surer sign of the coming destruction of a nation than the general and remorseless disregard of the Sabbath.” Apparently, the *Telegraph* supported what Dr. Symington advocated by publishing the speech for all the world to read.¹⁰

The *Texas State Gazette* joined the *Telegraph* in the promotion of the Sabbath on several occasions as well. An editorial found in the *Gazette*’s May 21, 1853, issue and a poem published in its June 25, 1853, edition both paint the Christian Sabbath as a positive influence on society. More directly, the *Gazette* supported passage of a bill in 1853 that was designed to “establish” the Christian Sabbath and prevent and punish immorality committed on that day. The editor of the paper wrote that the bill’s supporters in the House of Representatives believed it would easily pass, then commented “For the honor and prosperity of the State we hope this expectation is well founded.” Unfortunately for the *Gazette*’s editor, the bill was not adopted by the Legislature at that time.¹¹

In addition to the *Telegraph* and the *Gazette*, numerous other local secular newspapers were in business in almost every town of significance in Texas. Many carried the name of the town or community in which they were located, such as the *Galveston Weekly News*, *San Antonio Texan*, *Dallas Herald*, *The Brenham Enquirer*, and the *Richmond Reporter*. Others did not utilize community names, possibly to obtain a wider audience, such as the *The Weekly Telegraph*, *The Texas State Times*, *The Southern Intelligencer*, *The Standard*, and *The Texas Ranger*. Many times, as will be indicated below, these lesser known papers entered into the discussion regarding the major moral issues of antebellum Texas.

As would be expected, the religious press was also very supportive of policies and legislation that would establish or support the Christian Sabbath in some fashion. In 1846, the *Texas Presbyterian* published an article entitled “Sabbath Breaking” on its front page which related the tale of a gentleman in England who regularly visited convicts in prison. The man, according to the story, related how almost every convict confessed that the cause of his ruin was his neglect of the Sabbath. The article concluded that, just as a person who is denied an education will reflect that ignorance as an adult so will a person who neglected the religious observance of the Sabbath become an irreligious adult. “Like causes produce like effects,” asserted the writer. At least twice in 1855, *The Texas Christian Advocate* entered the fray over Sabbath laws, both local and statewide. In its February 24, 1855, edition, it quoted an editorial from an unnamed source which focused on the need for more stringent laws on the books in Galveston to limit commercial activity on the Sabbath, especially the selling of liquor. The writer opined that a visitor to

the city would not notice any difference in business conducted on the Sabbath from that carried out on any other day of the week. He further pointed out examples from other cities where such actions were prohibited with violations punishable by “fines and penalties.”¹²

Key to this analysis is the obvious and expected Christian slant to the *Advocate* article. In one statement the author clearly approved of the prohibitions in other cities because those actions had caused a diminution of the Sabbath-breaking that was so offensive, “especially to every professing Christian.” He concluded his relatively brief article by arguing that the city of Galveston should prohibit the sale of liquor on the Sabbath because “[t]he well-being of society, the reputation of our city, and a due respect for the cause of Christianity, demand it.” The editors of the paper, a religious publication, were obviously in support of laws being passed in support of the tenets of their Christian faith regarding honoring the Sabbath and had no qualms about espousing those views to the public.¹³

Later in the year, the *Advocate* again complained in one of its editions of the lack of a Sabbath law in Texas, saying, “We claim to be a christian [sic] people, and recognize the great cardinal principles of christianity – we place guards around many of Heaven’s institutions, but the christian Sabbath, is not only not guarded by law from violation, but not even a mention made of it in any of our statutes.” The writer of the article concluded by urging religious Texas legislators to correct this omission.¹⁴

Although *The Texas Baptist* was not in publication when most of the bills described above were being considered by the Texas legislature, the editors did chime in

when the city of Galveston was faced with the decision whether to outlaw drinking shops on the Sabbath. In the May 2, 1855, issue, the paper printed an opinion piece which described a movement in several locales across the country where so-called “grog shops” had been closed on the Sabbath, “and the result has been most favorable on the public morals, peace and quiet in all of those cities.” The *Texas Baptist* writer urged the Galveston leaders to pass a similar prohibition for their city.¹⁵

While the above publications, both secular and religious, were unified in their support of Sabbath laws and practices and in their reticence in raising any issue with regard to the union of church and state, there were a few contrary voices. The *Democratic Telegraph and Texas Register* published an article in 1846 that was openly critical of the effort to enact legislation regarding the Sabbath. The author categorized the bill then under consideration as unnecessary, useless and ridiculous. He argued that those who were loathe to follow the Biblical command to honor the Sabbath Day would not be any more likely to follow a mandate of the Texas Legislature to do so. Apparently, the legislators agreed because, as indicated above, the 1846 bill died in committee. The writer of the opinion stated that some parts of the Sabbath bill were quite good, but believed that it was more or less unenforceable and would constitute a “dead letter” in the statute books. He did not, however, voice any concern over the union of church and state in the Legislature’s consideration of such a bill.¹⁶

Another objection to Sabbath laws was raised by the *San Antonio Texan* in the midst of a public dispute with the editor of the *Southern Intelligencer*. These two more minor Texas papers briefly disagreed on the efficacy of ordinances or statutes in

compelling people to observe the Sabbath. In response to a criticism by the *Intelligencer* regarding its position on the subject, the *Texan* responded by stating its support for the closing of businesses on Sunday voluntarily, although not at the behest of police enforcing some “Sunday laws.” Once again, separation of church and state was not argued as the basis for the *Texan*’s objection to the passage of such laws. Texas lawmakers and newspaper editors were obviously in agreement that the line separating church and state did not prevent the enactment of a law regarding the observance of the Christian Sabbath. The antebellum Texas culture supported such an effort to enforce a religious-based statute.¹⁷

Contemporaneously with their advocacy regarding the need for laws supporting the Christian Sabbath, the religious and secular press also advocated the passage of temperance statutes. Sometimes these two concerns overlapped as when the *Gazette* wrote a story in 1855 recounting the tragedy of some men being killed as the result of a drunken brawl which occurred on a Sunday. The article’s author believed that if the sale of alcohol on the Sabbath had been legally prohibited as some of the proposed statutes would have accomplished, these deaths would not have resulted. He challenged the state’s legislators to consider whether it would be more humane to punish the perpetrator of the crime of murder or to remove the cause of the behavior – alcohol - that resulted in the crime being committed in the first place.¹⁸

Temperance was an expressed concern of both religious and secular newsmen from the earliest days of Texas’ society. Among a plethora of articles on this topic, the *Telegraph and Texas Register* printed an article entitled “Temperance” in its August 11,

1838 edition in which the writer argued, “Drunkenness has occasioned more vice, poverty and misery, than all the ills combined that scourge the human race.” Another secular paper, *The Northern Standard*, published in Clarksville, included a short editorial in its January 14, 1843 issue also entitled “Temperance” which noted how the movement toward teetotalism was spreading across the country. After citing the prayers and hopes of “the good and the wise” in support of temperance, the editor concluded by calling for the onward march of the movement to rid the nation of the use of alcohol.¹⁹

Finally, in a July 24, 1847, article, the *Texas Presbyterian* published the remarks of James Laurance given before a local temperance society meeting regarding the dangers of excessive drinking. Laurance began his talk by emphasizing the ruinous effects that drinking alcohol had on an individual and, through him, on those members of his family and friends with whom he came in contact. Laurance continued by advocating teetotalism with regard to the drinking of alcoholic beverages and urged society to do all it could to banish the use of “intoxicating liquors” from Texas completely. It is clear from these, as well as innumerable other newspaper articles that could be quoted, that Texas newspapers, both religious and secular, were unified in their support of temperance legislation. It appears that no one considered the influx of religious voices on the topic in the political arena to be an erroneous crossing of the line of separation between church and state. As time passed, it became accepted in Texas that preaching on the morality of temperance was acceptable, whereas preaching on the morality of slavery was not.²⁰

As the temperance movement grew, two major statutes were passed by the Texas legislature in an effort to limit the sale of “spiritous liquors” in the state during the

antebellum period, one in 1854 and another in 1856. The first statute required a state-wide vote in August, 1854 to determine whether anyone could sell “spiritous liquors” in an amount of less than one quart. If the vote were favorable, then a business interested in engaging in such sales would be required to obtain a license to that effect from the county in which it was located. The statute was a bit confusing in that a favorable vote would restrict sales to licensed establishments whereas an unfavorable vote would ostensibly outlaw any sales at all.²¹

Apparently, that is how the newspaper editors interpreted the issue. They were again involved in speaking out on this matter, making their opinions known whether to license sellers of liquor in this manner and urging the public how to vote. In one instance, the *Texas State Gazette* complained of the increase in murders in Texas and, without pointing to any evidence of the connection, encouraged temperance supporters to continue their fight against the sale of alcohol because the abuse of liquor contributed to the murder problem. At the end of the short paragraph, the *Gazette* told its readers to vote against the licensing of the sale of liquor. A paper of more localized interest, *The Gonzales Inquirer*, also voiced a negative opinion toward the issue, characterizing the licensing of liquor sales as “noxious” and having a “deleterious effect” on society. Later, the *Texas Christian Advocate* published a report regarding the outcome of the vote. The report rejoiced that the people of Texas had declined to allow the licensing of the sale of liquor, expressing the opinion that the no vote had rendered illegal any sale of liquor in an amount of less than one quart.²²

Some problems with the 1854 statute became apparent with the passage of time. The *Texas Baptist* published an article in its April 25, 1855 edition that was originally published in the *Central Texian*, a secular publication from Anderson, Texas. The article pointed out the defects and inadequacies of the law that were being capitalized on by various dram-sellers and grog-shops in order to continue selling liquor to their customers. The writer argued that counties that allowed these shops to continue their operations were “making war on society,” “doing nothing to add to the wealth, the honor or the happiness of the country,” and “are instrumental in spreading crime and misery through the land.” He urged the legislature to enact a more stringent statute which would prohibit the sale of liquor as a beverage in all establishments, declare all attempts at evasion as a violation of the statute, and set specific penalties for those violations.²³

The following week the *Texas Baptist* went a step further in its temperance argument. Its editors placed upon the government the “duty” to enact laws to rid the state of the liquor traffic. Whereas the state could not promote religion, they argued, it could promote temperance because “one great object of civil government is the promotion of morality.” The article quoted language contained in the Texas Constitution which prohibited a lottery and the buying and selling of lottery tickets, then theorized that the same logic should be applied to the buying and selling of liquor. Following this argument, then, if the state could legislate morality with regard to gambling, then it should be able to legislate morality with regard to temperance.²⁴

The *Texas Christian Advocate* also threw its voice into the ring in support of a more stringent law being passed by the state legislature. In an article entitled “To Our

Legislators” dated October 13, 1855, the *Advocate* addressed the members of the legislature on the topic which it characterized as “one of paramount consideration – yes, one which involves the morals-the health-the fortunes-the peace-the safety and happiness of our community. . . .” After identifying the topic as alcohol, the writer described the type of law that should be passed which would require licenses for the sale of liquor and the payment of an annual fee of \$1,000.00, with penalties being fixed for violations of the law. In conclusion, the writer encouraged the legislators in stating that such a law would rid the state of “bitter fountains of corruption, vice and degradation” and their constituents would rise up and call them “blessed.” Once again, no argument is made or objection raised that the religious newspaper’s advocacy of temperance laws somehow crossed the line between church and state or otherwise mixed politics and religion.²⁵

During the 1855-56 regular session, the Texas legislature enacted a new temperance statute to replace and repeal the 1854 version. This new act followed closely the provisions recommended by the *Advocate* in that it required the licensing of any person or firm interested in selling liquor in amounts of less than one quart and the payment of a bond in the amount of \$1,000.00 to the county court of the county in which the proprietor resided. The bond’s purpose was to insure that the proprietor of the business engaged in the sale of liquor maintained an orderly business, did not sell to minors or slaves without the written permission of their master, and did not allow any games to be played at the place of sale of the liquor. The statute further set forth penalties for violations of its provisions.²⁶

Not everyone was pleased with the new law. The *San Antonio Herald* wrote an opinion that criticized the increased fees included in the bill because, in the *Herald's* opinion, it would result in the wealthier liquor salesmen dominating the market and driving the others into illegal sales in order to stay in business. The writer did remark that the new bill would likely get rid of the more disorderly establishments where the crime rate was higher. Despite such negative reaction in some quarters, the response of the religious media was positive. The *Texas Christian Advocate* supported passage of the new law in its February 7, 1856, edition, and the Baptists, while not specifically referring to this statute, published a positive report of the state of temperance in the state of Texas in the March 11, 1857 issue of the *Texas Baptist*.²⁷

As has been shown, antebellum newspapers in Texas, both religious and secular, were not shy about entering the political arena with regard to what might be considered strictly moral or religious issues such as honoring the Christian Sabbath or promoting the cause of temperance. The success or failure of such efforts to enact laws in line with Christian morality is not the focus of this paper. The focus, instead, is upon the cultural climate engendered by the media to influence the political and legislative process in the passage of such laws. Obviously, neither the secular nor the religious press believed that the legislature was crossing the church-state line by considering the passage of Sabbath and temperance laws.

In one instance, *The Standard*, a paper printed in the community of Clarksville, published the minutes of the Cumberland Presbyterian Senate session of August 22, 1859, regarding the government's enforcement of the observance of the Sabbath. The

report deplored the fact that at that time Texas still did not have a law that honored the Christian Sabbath even after several attempts to get such legislation passed. Moreover, the report, while agreeing that there are “well defined lines separating Church and State,” nevertheless encouraged the Presbyterian Synod to urge the Texas legislature to pass Sabbath laws, to ask newspapers throughout the state to publish the Presbyterian report, and to impress upon all ministers in Texas to bring this message to their congregations.²⁸

This church’s effort to influence the legislative process through the press occurred at the same time that the danger of the “union of church and state” was at the forefront of the public’s thinking during the years leading up to the Civil War. The American Party, also known as the Know Nothings, became a point of contention in Texas politics by the mid-1850s. Much of the criticism of the American Party was its anti-Catholic and nativist tenets leading many to fear that the Know Nothings would usher in a union of church and state against Catholics. Contemporaneously, the proslavery crowd became increasingly vocal in its denunciation of those religious persons, especially in the North, who spoke out against slavery as being a political issue that the church should leave alone. As will be discussed later, those denunciations evolved into more violent behavior, including lynchings, in Texas as the decade of the 1850s came to a close. Despite the widespread outcry against these supposed threats to church and state separation, no similar outcry arose from the press against the efforts by the Texas legislature to pass laws that honored the Christian Sabbath and restricted the sale of alcohol. Instead, the press was finding its voice in the public square in advocating these moral issues during the 1840s and 1850s in Texas without fear of strong objection or reprisal. This voice became increasingly louder

and served as a significant actor in the pro-slavery culture of Texas leading up to and during the Civil War. Significantly, if not surprisingly, the press's voice on slavery in Texas was overwhelmingly supportive of slavery and opposed to anyone who believed otherwise. The press thereby aided in the introduction of the new proslavery tyranny in Texas during the antebellum period.²⁹

¹ Wesley Norton, "Religious Newspapers in Antebellum Texas," *The Southwestern Historical Quarterly*, Vol. 79 (July 1975-April 1976): 147-148.

² *Ibid.*, 149-150.

³ *Ibid.*, 152.

⁴ "Telegraph and Texas Register," *Handbook of Texas Online*, <http://www.tshaonline.org/handbook/online/articles/eet02> [accessed October 22, 2014].

⁵ Patrick Cox, "Austin State Gazette," *Handbook of Texas Online*, <http://www.tshaonline.org/handbook/online/articles/eeayy> [accessed October 22, 2014].

⁶ "Narrative of the State of Religion within the Bounds of the Presbytery of Texas," *Telegraph and Texas Register*, Vol. 3, No. 49, Ed. 1 (August 4, 1838); <http://texashistory.unt.edu/ark:/67531/metaph48004/m1/1> [accessed October 28, 2014]: 1.

⁷ *Telegraph and Texas Register*, Vol. 4, No. 3, Ed. 1 (September 15, 1838); <http://texashistory.unt.edu/ark:/67531/metaph48010/m1/1> [accessed October 31, 2014]: 1.

⁸ Senate of the Republic of Texas, *Senate Journal*, November 1, 1841 – February 5, 1842; 6th Cong., Regular Sess., p. 211; http://www.lrl.state.tx.us/scanned/CongressJournals/06/senateJournalsCon6_Entire.pdf [accessed 10/30/2014]; House of Representatives of the Republic of Texas, *House Journal*, November 1, 1841 – February 5, 1842; 6th Cong., Regular Sess., pp. 362, 405; http://www.lrl.state.tx.us/scanned/CongressJournals/06/houseJournalsCon6_Entire.pdf [accessed 10/30/2014]; House of Representatives of the Republic of Texas, *House Journal*, November 14, 1842 – December 4, 1842; 7th Cong., Called Sess., pp. 82, 91; <http://www.lrl.state.tx.us/scanned/CongressJournals/07/7thHouseRegular.pdf> [accessed 10/30/2014]; House of Representatives of the State of Texas, *House Journal*, February 16, 1846 – May 13, 1846; 1st Legislature, Regular Sess., pp. 104, 122, 371-372; <http://www.lrl.state.tx.us/scanned/HouseJournals/3/houseJournal3rdLegEntire.pdf> [accessed October 30, 2014]; House of Representatives of the State of Texas, *House Journal*, November 5, 1849 – February 11, 1850; 3rd Legislature, Regular Sess., pp. 265, 284; <http://www.lrl.state.tx.us/scanned/HouseJournals/3/houseJournal3rdLegEntire.pdf> [accessed October 30, 2014]; Senate of the State of Texas, *Senate Journal*, November 7, 1853 – February 13, 1854; 5th Legislature, Regular Sess., pp. 38, 44, 58, 63, 76, 82-85, 117, 131, 152, 154, 159, 163; <http://www.lrl.state.tx.us/scanned/SenateJournals/5/senateJournal5thLeg001.pdf> [accessed November 2, 2014]; House of Representatives of the State of Texas, *House Journal*, November 2, 1857 – February 26, 1858; 7th Legislature, Regular Sess., pp. 320,

752; <http://www.lrl.state.tx.us/scanned/SenateJournals/5/senateJournal5thLeg001.pdf> [accessed November 3, 2014]; Gammel, "An Act to punish certain offenses committed on Sunday," *The Laws of Texas 1822-1897*, Vol. V (Austin: The Gammel Book Company, 1898): 690-691 <http://texashistory.unt.edu/ark:/67531/metapth6727/m1/706/> [accessed October 30, 2014].

⁹ "Hon. Judge Berrien on the Sabbath," *Telegraph and Texas Register*, Vol. 10, No. 10, Ed. 1 (March 5, 1845); <http://texashistory.unt.edu/ark:/67531/metapth78090/m1/1> [accessed 11/03/2014]: 1.

¹⁰ "Influence of the Sabbath upon Health," *Telegraph and Texas Register*, Vol. 16, No. 35, Ed. 1 (August 29, 1851); <http://texashistory.unt.edu/ark:/67531/metapth233360/m1/1> [accessed November 3, 2014]: 2; "Authority of the Sabbath," *Telegraph and Texas Register*, Vol. 7, No. 47, Ed. 1 (November 9, 1842); <http://texashistory.unt.edu/ark:/67531/metapth48207/m1/1> [accessed October 23, 2014]: 1.

¹¹ *Texas State Gazette*, Vol. 4, No. 40, Ed. 1 (May 21, 1853); <http://texashistory.unt.edu/ark:/67531/metapth81084/m1/1> [accessed November 3, 2014]: 2; "Song of the Sabbath," *Texas State Gazette*, Vol. 4, No. 45, Ed. 1 (June 25, 1853); <http://texashistory.unt.edu/ark:/67531/metapth81089/m1/1> [accessed November 3, 2014]: 5; "The Christian Sabbath," *Texas State Gazette*, Vol. 5, No. 18, Ed. 1 (December 20, 1853); <http://texashistory.unt.edu/ark:/67531/metapth81114/m1/1> [accessed November 3, 2014]: 2.

¹² "Sabbath Breaking," *Texas Presbyterian*, Vol. 1, No. 1, Ed. 1 (November 3, 1846): 1; "City Candidates and the Sabbath," *The Texas Christian Advocate*, Vol. 1, No. 28 (February 24, 1855): 3.

¹³ "City Candidates and the Sabbath," 3.

¹⁴ "The Christian Sabbath," *The Texas Christian Advocate*, Vol. II, No. 15 (November 24, 1855): 3.

¹⁵ "Closing Drinking Shops on the Sabbath," *The Texas Baptist*, Vol. I, No. XVIII (May 2, 1855): 1.

¹⁶ "Dear Sir," *Democratic Telegraph and Texas Register*, Vol. 11, No. 18, Ed. 1 (May 6, 1846); <http://texashistory.unt.edu/ark:/67531/metapth48410/> [accessed October 28, 2014]: 1-2.

¹⁷ *San Antonio Texan*, Vol. 11, No. 21, Ed. 1 (May 21, 1859); <http://texashistory.unt.edu/ark:/67531/metapth232742> [accessed November 5, 2014]: 3.

¹⁸ "Fatal Affray," *Texas State Gazette*, Vol. 6, No. 23, Ed. 1 (January 27, 1855); <http://texashistory.unt.edu/ark:/67531/metapth81170/m1/1> [accessed November 5, 2014]: 3.

¹⁹ "Temperance," *Telegraph and Texas Register*, Vol. 3, No. 50, Ed. 1 (August 11, 1838); <http://texashistory.unt.edu/ark:/67531/metapth48005/m1/1> [accessed November 8, 2014]: 1; "Temperance," *The Northern Standard*, Vol. 1, No. 19, Ed. 1 (January 14, 1843); <http://texashistory.unt.edu/ark:/67531/metapth80470/m1/1> [accessed November 8, 2014]: 2.

²⁰ "Remarks by James Laurance, Esq. before the Grimes County Washingtonian Society, July 4th, 1847," *Texas Presbyterian*, Vol. 1, No. 19, Ed. 1 (July 24, 1847); <http://texashistory.unt.edu/ark:/67531/metapth80400/m1/1> [accessed November 8, 2014]: 2-3.

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- ²¹ “The Liquor Bill,” *The Gonzales Inquirer*, Vol. 1, No. 43, Ed. 1 (March 25, 1854); <http://texashistory.unt.edu/ark:/67531/metaph178805/m1/1> [accessed November 9, 2014]: 1, 2; “The Temperance Vote,” *Texas Christian Advocate*, Vol. 1, No. 3 (August 26, 1854): 2.
- ²² “Increase of Murder,” *Texas State Gazette*, Vol. 5, No. 50, Ed. 1 (August 5, 1854); <http://texashistory.unt.edu/ark:/67531/metaph81146/m1/1> [accessed November 8, 2014]: 4; “The Liquor Bill,” *The Gonzales Inquirer*, Vol. 1, No. 43, Ed. 1 (March 25, 1854); <http://texashistory.unt.edu/ark:/67531/metaph178805/m1/2> [accessed November 9, 2014]: 2; “The Temperance Vote,” *Texas Christian Advocate*, Vol. 1, No. 3 (August 26, 1854): 2.
- ²³ “The Temperance Question,” *Texas Baptist*, Vol. 1, No. XVII (April 25, 1855): 3.
- ²⁴ “It is the duty of the state to prohibit the liquor traffic,” *Texas Baptist*, Vol. 1, No. XVIII (May 2, 1855): 2.
- ²⁵ “To Our Legislators,” *Texas Christian Advocate*, Vol. II, No. 9 (October 13, 1855): 2.
- ²⁶ Gammel, “An Act to authorize the County Courts of this State to grant a License for the retail of spiritous, vinous and [other] intoxicating liquors in quantities less than a quart, and imposing a license tax for such provilege,” *The Laws of Texas 1822-1897*, Vol. IV (Austin: The Gammel Book Company, 1898): 247-249; <http://texashistory.unt.edu/ark:/67531/metaph6730/m1/251> [accessed November 10, 2014].
- ²⁷ “Down on Liquor Dealers,” *San Antonio Herald*, Vol. 1, No. 43, Ed. 1 (February 13, 1856); <http://texashistory.unt.edu/ark:/67531/metaph179516/m1/1> [accessed November 10, 2014]: 3; “Concluding Reports of the Baptist State Convention: Report on Temperance,” *Texas Baptist*, Vol. II, No. 10 (March 11, 1857): 1.
- ²⁸ “Proceedings Cumberland Presbyterian Senate,” *The Standard*, Vol. 16, No. 40, Ed. 1 (October 22, 1859); <http://texashistory.unt.edu/ark:/67531/metaph234237/m1/1> [accessed October 28, 2014]: 1.
- ²⁹ “Meeting of Democrats and all opposed to secret political associations,” *San Antonio Texan*, Vol. 7, No. 37, Ed. 1 (June 28, 1855); <http://texashistory.unt.edu/ark:/67531/metaph235741/m1/1> [accessed November 12, 2014]: 2; “The Know Nothings – Intolerance – John Wesley,” *State Gazette*, Vol. 7, No. 5, Ed. 1 (September 22, 1855); <http://texashistory.unt.edu/ark:/67531/metaph81206/m1/1> [accessed November 12, 2014]: 2.

CHAPTER VII

WHEN LINES BECAME THREATS

It was clear, then, that antebellum Texas society certainly had no qualms about certain infringements by the religious into the secular or political arenas, whether it came from the church, the media, or the politicians. Texas revolutionaries had written into the Republic's founding documents that there would be no state-sanctioned religion as had been true under the Catholic-dominated Spanish and Mexican governments. As time passed, the "wall" of separation in Texas was somewhat malleable when applied to Protestant Christian efforts to influence and be involved in the political arena. Although the Texas Legislature had, at times, carefully crafted legislation to keep the church and state dichotomy intact and the newspapers and politicians of the day paid lip service to that same ideal, the real world events of the 1850s and early 1860s revealed just how difficult it was to keep those two realms truly separate. After drawing fuzzy lines or simply ignoring lines between religion and politics with regard to numerous topics from the use of chaplains to the evangelization of Native Americans to the honoring of the Christian Sabbath to the morality of temperance, Texas religious and secular leaders faced a nearly impossible task of line-drawing when the subject of slavery became paramount in the minds of every Texan. The manner in which Texas mishandled this

issue was the inevitable result of its prior fuzzy line-drawing history and the control exerted by the proslavery cultural elite.

On the one hand, religious and secular leaders in Texas and the rest of the South advocated the position that slavery was a political or secular issue that the church had no business addressing. The press provided a ready and willing avenue for spreading the word. The Nashville *Christian Advocate*, a publication of the southern branch of the now divided Methodist Episcopal Church, asserted that that denomination was neither proslavery nor antislavery, taking the position that the church “let the matter alone, as did Jesus.” The *Texas State Gazette* published a criticism of northern preachers for using their pulpits for political purposes in which it sarcastically asked whether the clergy had run out of Biblical topics, “Is no text fresh enough now for preachers and people, except it be taken from the Gospel according to the daily papers?” In the opinion of southerners, the doctrine of the separation of church and state forbade such advocacy.¹

On the other hand, as the 1850s progressed and tensions across the nation mounted regarding the institution of slavery, religious leaders in the South became more assertive in their exhortations, both written and spoken, in its defense as a Biblical and divine institution. As Texans, their religious leaders, and the media became more entrenched in their proslavery positions, their willingness to tolerate contrary points of view dissipated. Intolerance for those who dissented or were suspected of dissenting from the proslavery view grew stronger as the prospect of war intensified in the late 1850s. Intolerance soon led to persecution and persecution led to vigilantism and lynching.²

Under Mexican rule, slavery had technically been illegal in Texas, although not unknown. The peculiar institution had been present in the territory since about 1816 during Spanish rule, but it was Texan independence in 1836 with the accompanying removal of the ostensible legal impediment for owning slaves that further opened the floodgates for the large-scale immigration of thousands of slaveholders and their slaves from the southern United States. Texas readily adapted to this demographic change. During the 1850s, over a quarter of Texas households were slave owning with slaves constituting about 30% of the total population of the state. This institutionalization of slavery into Texas society and culture impacted the role of the church and the religious leaders with the political events in the antebellum period and resulted in more blurring of the line between church and state.³

Initially, there were some voices in Texas that spoke out against the institution of slavery. An example of this was noted in Chapter III in which the Reverend William O'Conner, a Methodist circuit preacher in East Texas, publicly criticized other pastors in 1843 for owning slaves. Characteristic of the emerging slave culture in the Republic, the Methodist Presiding Elder for that geographical region, Littleton Fowler, quickly reprimanded O'Conner in a private letter for making his ill-advised remarks, especially in a public forum. The overriding message from Fowler was that O'Conner should keep such comments to himself if he wanted to continue his ministry. A few months later, Robert Crawford, another Methodist preacher, wrote to Littleton Fowler that he felt he was being harshly treated by his friends and even punished by his supervising pastor in the appointive process due to his expressed opinion that the church should not split over

slavery. This silencing and punitive disapproval of contrary voices by religious leaders over what the culture increasingly treated as a political and secular issue was common in Texas and a portent of things to come.⁴

By the time of the misadventures of O’Conner and Crawford, Texas had already become a fairly mature slaveholding society. Slaveowners, although by no means a majority of the population, controlled Texas’ social and political landscape. They had become the cultural elite. Cotton production in Texas was dominated by slaveowners, who constituted about one third of all farmers in the state. In 1850, the slaveowners grew 89 percent of the total cotton production in Texas which increased to 91 percent by 1860. Additionally, slaveowner domination of Texas politics grew during the same time period as they held 58 percent of all elective offices in 1850 and 68 percent in 1860. With such wealth and power in their grasp, slave owners in antebellum Texas also dominated the elite social strata of the day. This domination was supported by the nonslaveholding majority of the population who helped elect the slaveowners to political office and acquiesced almost without question in the legal, political, and social ramifications of slavery. With a virtual unanimous backing of all the societal forces of the day, slavery in Texas came to face little significant opposition. As time passed, it became increasingly dangerous for anyone, secular or religious, to give even tacit approval to any antislavery message or action. The actions of Reverend O’Conner and Reverend Crawford in 1843 which earned O’Conner a private rebuke and Crawford a less desirable appointment from their superiors would likely have gotten them much harsher penalties in later years.⁵

Contemporaneously, three of the major Christian denominations in the southern United States had suffered schism by the end of 1845, mainly over the slavery issue- the Presbyterians, the Methodists, and the Baptists. The division of the Presbyterian denomination between North and South, abolitionist and proslavery, was not as clear or concise as it was with their Methodist and Baptists brethren. In 1837, the Presbyterians split between Old School and New School factions ostensibly over questions of theology and church governance, but many saw it as the beginning of the end for the Union. The Old School and the New School churches in the North were subsequently rent apart between abolitionist and pro-slavery factions, while those branches in the South either adopted a pro-slavery slant or took the oft-stated position that the whole slavery issue constituted a political question which the church should avoid. By 1861, the Presbyterians, Old School and New School, split apart along sectional lines.⁶

The Methodist split in 1844 had a Texas flavor. The bishop overseeing Texas Methodists in the mid-1840s was James O. Andrew, who was soon to become a lightning rod for the slavery issue in the national church. Bishop Andrew had earlier inherited a slave from an elderly woman who bequeathed the young bondservant to Andrew in trust, and he then acquired another slave from his first wife's family upon her death. These were arguably unintentional acquisitions. However, in 1844, Bishop Andrew married again, this time to a woman who already owned a family of slaves. Some looked upon this act as an intentional entering into the slaveowner relationship by the Bishop. When the Methodist General Conference met in New York City in May, 1844, it was not long before the Bishop's slave ownership became a major issue for delegates from both North

and South. The Bishop initially intended to resign upon discovering the strong feeling in the Conference about this issue. He was dissuaded, however, from taking such action by the delegates from the slaveholding states. Then, after much debate, a resolution was passed that demanded that Bishop Andrew refrain from performing any of his duties until the “impediment” of slave ownership was removed. This entire episode provided the tipping point for the division of the Methodist denomination into northern and southern branches.⁷

As an aside to the division of the church, but which also provided a glimpse into the societal pressures then existing in Texas, stands the story of Reverend John Clark who served as a delegate from the Texas Conference to the 1844 General Conference. Apparently, Clark consistently voted with the northern faction of the church on all issues surrounding Bishop Andrew. In response to this, he was castigated by the Methodists back home in Texas for not voting according to their wishes. Although Clark defended himself by stating that he was not given any instructions from his constituents on how to vote on these matters, he apparently had prepared for this eventuality by taking his family with him when he left home for the meetings in New York, never to return to Texas. Clark obviously knew that supporting what the folks back home would view as the antislavery or abolitionist side of any issue would be the death knell to his ministry there. Taking a position that was sympathetic to the antislavery or abolitionist side of things was simply unacceptable because it was viewed in Texas as a dangerous mixing of politics with religion.⁸

Similar differences of opinion caused a schism among the Baptists. Northern Baptists attempted to mediate the differences between abolitionists and proslavery southern Baptists to no avail. When slaveowning southern Baptists sought to become home missionaries in the early 1840s, northerners objected strenuously. The division came to a head in 1844 when southerners sought a statement from the directors of the American Baptist Home Mission Society which would, presumably, be conciliatory to slaveowners. Northern Baptists made it clear that they would not accept any such policy. In response to this affront, white southern Baptists organized the Southern Baptist Convention in 1845 in Augusta, Georgia, making the schism complete.⁹

It then became increasingly clear to the public that if abolitionists and proslavery advocates could not coexist even in the church, then there was little chance they could do so in the secular realm. Moreover, the splits in the churches provided isolation for both northern and southern factions as the irritants for both sides were now removed, especially in the South. By the mid-1840s, the southern churches were adamantly and unapologetically preaching the morality and righteousness of slavery. The denominational schisms just made it easier for southern clergy to speak out on proslavery issues more aggressively.¹⁰

In the South, including Texas, slavery was thereafter increasingly accepted as morally righteous and the southern society was sacralized as being blessed by God in its endeavor to Christianize their bondsmen. The major denominations in Texas played an essential role in the sacralization. As an example of this, the published minutes of the Texas state convention of the Southern Baptist denomination in 1856 stated in part,

“When we remember that the original design of the importation of Africans, to the Christian shores of America, was to Christianize them, by removing them far away from the corruption of heathenism, and surrounding them with Christian influence, we feel that in laboring for their salvation, we are co-laborers with God.” Southern Baptists in Texas remained essentially united in their support of slavery throughout the antebellum period.¹¹

The Presbyterians, while not officially supporting slavery per se, essentially side-stepped the issue by arguing the “political v. religious” dichotomy. When the four Texas Presbyteries severed relations with the General Assembly of the Presbyterian Church in the United States in the fall of 1861, two reasons were given by the Texans for the break. They charged that, first, the General Assembly, by its May 30, 1861, affirmation of allegiance and loyalty to the United States government after the Civil War began, had “violated the constitution of the Church in attempting to decide a purely political question” and, second, the Assembly had violated the Bible by requiring its members and clergy to perform acts that would be disobedient to the government under which they then dwelt (the Confederate States of America). Additionally, the Cumberland Presbyterians pursued a similar path of silence in their treatment of slavery throughout the antebellum period and into the war years. Their Texas ministers generally agreed with that approach. After the war began, they supported the position that slavery was a political issue and not a religious one. One Cumberland clergyman wrote in this connection that the church should “never meddle with political affairs, for the union of church and state is the accursed thing that God hates.”¹²

Finally, the Catholic Church followed this same logic and never split over the issue as had the Methodists, Baptists, and Presbyterians. The *Dallas Herald* published in mid-1858 an excerpt from a pastoral letter issued by the Catholic archbishops after they and the bishops of the Church had met in Baltimore and discussed the church's position on slavery. In publishing the excerpt, the newspaper's editors commented that the statement "merits the commendation of all true patriots and Christians." The pastoral letter essentially advocated taking a neutral policy toward slavery, much like that supported by southern Protestant clergy. The letter stated that slaves were to obey their masters and masters were to treat their slaves humanely. While not using "church-state" language, the letter exhorted the clergy to "[l]eave to the worldlings the care and anxieties of political partisanship" and to "not, in any way, identify the interests of our holy faith with the fortunes of any party." The Catholics, then, adhered to a church-state dichotomy that conformed nicely to the southern view. This approach seemed to work for the Catholics, North and South, as they managed to pass through the Civil War crisis relatively unscathed compared to the mainline Protestant denominations.¹³

While the Methodist Episcopal Church, South, conformed to the southern "hands-off" policy on the subject of slavery as seen by their treatment of Reverend Clark, problems arose regarding the presence of so-called "northern" Methodists – members of the Methodist Episcopal Church – in several counties in North Texas in the 1850s. The South's solidarity behind the morality and righteousness of slavery had become monolithic while the tolerance of contrary views within southern society disappeared and those who expressed them, as by Reverend O'Conner or Reverend Crawford, were

usually punished severely. Many settlers in north and northeast Texas came from non-slave areas, including Illinois, Missouri, Indiana, and Kentucky, which resulted in a significant antislavery sentiment located in that part of the state where the “northern” Methodists predominated. The tension between this antislavery faction and the prevailing intolerance of the proslavery majority toward those with contrary views and opinions provided the backdrop for some violent outcomes in Texas during the years leading up to and during the Civil War.¹⁴

The tension in North Texas manifested itself in the rhetoric aimed at the “northern” Methodists. In a June 30, 1855, article published in the *Texas Christian Advocate*, the editorial staff opined that all Methodists in the South should belong to the Methodist Episcopal Church, South denomination, and not the northern Methodist Episcopal Church (“ME Church”). The writer further stated that the northern church could do nothing but harm in its ministry in slave-holding territory and should simply cease its labors in Texas because it could never prosper there. Clearly, by the mid-1850s the church in Texas was coming under increasing scrutiny regarding its position on secular and political issues with those representing antislavery views being pressured to leave.¹⁵

This intolerant attitude toward contrary opinions, especially regarding slavery, became increasingly pervasive and threatening as time passed. In March, 1859, the relationship between the ME Church and the prevailing views held by Texas society reached a boiling point. On the 4th of the month, a so-called “citizen’s meeting” was held in Millwood, Texas, located in Collin County, to protest the proslavery stance of the

northern Methodists in their midst. The attendees formed a committee to attend meetings of the ME Church, presumably to gather incriminating information and/or to quell any proslavery messages being advanced upon society at large. The minutes of the meeting were published in the Bonham newspaper which stated in an editorial comment, “We kindly warn these people (the “northern Methodists”) to beware lest, in an hour when they least expect it, they will be visited by citizens entertaining adverse sentiments.”¹⁶

Just a week after the Millwood citizens’ meeting, the Arkansas Annual Conference of the ME Church conducted its annual session beginning on Friday, March 11th, in the community of Timber Creek in Fannin County, Texas. From the account given by presiding Bishop Edmund S. Janes in a letter to the *State Gazette* in Austin a few months later, the business of the conference was conducted satisfactorily and pleasantly enough until the evening of the 12th when he was informed of a meeting of local citizens in the nearby community of Bonham which threatened to disrupt the proceedings of the conference set for the following Sabbath Day. Unfortunately, at least for the ME Church clergy and members, a minister purporting to speak for the ME Church had taken to the streets of Bonham earlier that Saturday, March 12th, and launched a tirade during which he spoke against slavery and announced that it was the purpose of the ME Church to get rid of that institution. Apparently, this event spurred the citizens of Bonham to gather for the purpose of determining how to quell this perceived threat to their way of life.¹⁷

According to the account written in response to Janes by Samuel Roberts, a former Secretary of State for the Republic of Texas, the citizens’ meeting in Bonham was

called in immediate and direct response to the public remarks made by the ME Church minister. Roberts claimed that a large percentage of the population of Bonham congregated in the courthouse to hear what witnesses claimed the minister had said. After much discussion, several resolutions were adopted by the ad hoc committee that were to be taken to the ME Church Conference the next day and given to Bishop Janes.¹⁸

In his account of the matter, Janes wrote that the next morning's activities of the conference continued unabated until the middle of the public worship service at 11:00 a.m. when what he described as a "mob" of approximately 200 men approached the church, many of whom were armed, and interrupted the proceedings. A spokesman, later identified as Roberts, walked up the aisle of the church and addressed the Bishop, informing him of the resolutions that the group then assembled outside the church building had passed the previous day in Bonham and requesting a response from the Bishop and his followers. One provision in the resolutions is particularly pertinent to our discussion which stated "[t]hat the teaching and preaching of the ministers of [the ME Church] do not meet the views of the people of Fannin County, and must therefore be stopped." Roberts informed the Bishop that if their demands were not met, "blood would be spilt." Indeed, as one of the committee's resolutions threatened, "That our motto be, Peaceably if we can, forcibly if we must."¹⁹

While Roberts' version of events differs substantially from Janes regarding certain facts, including the general tone of the confrontation between the two men, Roberts does indicate that he made it clear that the teaching of abolitionism by the ME Church would not be tolerated in their midst and gave the Bishop two hours to respond to

the citizens' demand that the northern Methodists essentially abandon their ministry in that region. The Bonham committee was obviously intent on conveying to the Bishop and other members of the Arkansas Annual Conference present that not only would their views not be tolerated in Texas, but that, if necessary, force would be used to enforce that edict. While Roberts gave Janes two hours to comply with the demands, Janes and the attendees at the Conference were able to finesse the issue, complete their business the next day, and disperse.²⁰

News of this confrontation spread widely across Texas, as evidenced by an article in *The Weekly Telegraph* published in Houston. In the April 6, 1859, edition, the writer described the meeting of the Arkansas Annual Conference as an effort "to establish a center in this State of anti-slavery religion." Later in the story, the author gave a word-for-word listing of other resolutions passed by the Bonham citizens' committee. As part of the preamble to the statement of the resolutions, the committee, as quoted by the *Telegraph*, cited the principle of separation of church and state as the basis for its actions. The quelling of the organization of the northern Methodist Church in Texas was necessary, according to the citizens' committee, to ensure their civil, religious, and political liberties. Apparently, no thought was given to ensuring the civil, religious, and political liberties of those who aligned themselves with the northern Methodists in Texas. The committee extended the ban against the northern Methodists regarding any anti-slavery rhetoric to include private as well as public communications. The resolutions concluded by warning those who could not abide by their mandates should leave Fannin County forever or face the consequences. This attitude of intolerance and suppression

was applauded by the *Telegraph* writer who stated that he hoped that other counties would follow the example of the citizens of Fannin County.²¹

Also telling is Roberts' harangue in the *State Gazette* aimed at Janes following the relating of his version of the events of that day at Timber Creek. In that part of his article, Roberts discussed the constitutional issues at stake. He compared the anti-slavery preaching of the northern Methodists to a person carrying a torch near combustible materials located on a neighbor's property. The danger of such preaching which might result in the rebellion of slaves was the same, in Roberts' view, as the danger of the torch causing a fire which damages or destroys the neighbor's property and possibly endangers the neighbor's family. In this argument, Roberts appears to reasonably draw the line on the exercise of the constitutional rights of free speech and religion at the point where that exercise might result in the loss of property as well as the loss of life. He did not, however, make any argument in defense of slavery in and of itself. Instead, he began to conclude this portion of his argument by asserting, "Let [Janes'] Church free itself from its abolition fanaticism. Let it confine the duties of its ministry to teaching the Word of God, and leave the politics of the country to the State, and they would be welcomed among us." Roberts was thereby aligning himself with the prevailing southern view that the church had no place speaking to the slavery issue because such a discussion belonged solely in the political arena. The separation of church and state ideal was thus wielded by Roberts to squelch the right of anyone to preach or speak against slavery as a sin or as an immoral institution.²²

This episode reveals the growing intolerance by Texas citizens, newspaper editors, and governmental officials toward opposing views on the subject of slavery. It was becoming quite dangerous to speak, whether publicly or privately, against the peculiar institution. If a person could not or would not align himself or herself with the prevailing views and beliefs regarding slavery, then that person better leave Texas or face dire consequences. This episode also provides evidence of the tendency of the people and their leaders in antebellum Texas to hide behind the church and state separation mantra as the basis for objecting to anyone, especially preachers, bringing an anti-slavery message of any sort in any forum.

The conclusion of the Timber Creek meeting of the Arkansas Annual Conference did not herald the end of the public's agitation regarding the northern Methodist presence in the region or the possibility of antislavery rhetoric being spread amongst the populace. As an example of this, a letter to the *Texas Christian Advocate* by Reverend J. C. Wilson was re-published in the *Texas State Gazette* on August 6, 1859. In his letter, Reverend Wilson repeatedly hammered at the "northern" Methodists to "let us alone." He makes clear that no anti-slavery organization of any kind would be acceptable to exist within the boundaries of Texas, saying, "the people of Texas are pro slavery through and through – we don't apologize for negro slavery, we glory in it; and no society can or shall exist within our wide extended border which disqualifies or stigmatizes the slaveholder. Never, never." Wilson utilizes strong language to convince the "northern" Methodist readers to stay away or face the rage and violence that will surely meet them if they continue their efforts to bring their anti-slavery dogma to Texas. In spite of this warning, over the

following months, two ME Church clergy continued to minister to congregants in northeast Texas. The public continued to believe that the ME Church's purpose was to spread abolitionism in the state.²³

During this same period of time, the 1859-1860 session of the Texas Legislature passed a revision to the state's Penal Code, one chapter of which was entitled, "Exciting insurrection or insubordination." In several paragraphs, the lawmakers prohibited many detailed and specific acts, including both spoken and written word in both public and private settings, which were deemed to be made against the institution of slavery.

Punishment for such acts included fines and imprisonment. The statute even placed upon the postal employees the duty to watch out for such printed materials passing through the mail. If a postal employee failed to perform his duty in this regard, he could be fined.

Thus, state law now reflected the same intolerant attitude toward anti-slavery views as the people of Fannin County. The state had drawn a black line that prohibited the right of the people to even speak in private or send correspondence via private mail about their beliefs regarding slavery.²⁴

This intolerance became deadly in the months to come. One of the two remaining northern Methodist clergy in the region was Reverend Anthony Bewley. Bewley had come to Texas as a missionary of the ME Church in 1855 and settled in Millwood, Collin County, which is where he resided at the time of the Arkansas Annual Conference in March, 1859. Prior to that conference, two other ME Church clergymen, Solomon McKinney and William Blount, had been arrested, whipped, and driven out of the state in August, 1858, because of their supposed abolitionist preaching in the Dallas area. The

editor of the *Dallas Herald* wrote several articles about McKinney and Blount, stating at one point, “If they will return in *propia persona* and behave as they did before, they will be re-dressed and no mistake.” The McKinney – Blount matter, followed closely by the Arkansas Annual Conference confrontation between Judge Roberts and Bishop Janes, only increased the suspicions of the populace and media regarding the message and motives of the northern Methodists. This atmosphere surrounded Reverend Bewley as he attempted to minister to his parishioners in the 1859-1860 time period.²⁵

Unfortunately for Bewley, North Texas suffered from a drought during the summer of 1860 which coincided with a number of mysterious fires that destroyed many homes and businesses in Dallas and the surrounding area. Confessions made by various slaves as to the cause of the fires, including many obtained by force, fueled the fears of the white public that a slave insurrection induced by abolitionist agitation was behind the conflagrations. Because of the recent local history involving clergymen McKinney and Blount and the Roberts – Janes confrontation, the most convenient scapegoat in the public consciousness to heap blame for the alleged insurrection was the northern Methodists in general and its leaders in particular. As an example, the editor of the *Texas Christian Advocate*, a publication of the ME Church, South, in its August 2, 1860, edition, cited an article in the *Dallas Herald* dated the previous July 16th that the plot behind the fires was attributable to “certain abolition preachers [Blount and Roberts] who were expelled from the country last year.”²⁶

To add to the hysteria surrounding the fires which were dominating everyone’s attention, a letter was allegedly found near a haystack in North Texas. Signed by “W. H.

Bailey” and addressed to “Wm. Buley,” it was extremely inflammatory in the eyes of slaveholders and their supporters. It detailed a strategy to make Texas a free area, including committing arson to disrupt the economy, preaching and teaching antislavery propaganda to influence public opinion, and encouraging slaves to run away. Despite the confusion in the name of the addressee, the lack of any legally incriminating evidence against Bewley, and the fact that it was likely a forgery, Reverend Anthony Bewley was nevertheless condemned in the view of the residents of the area as the intended recipient of the letter.²⁷

Upon hearing of the lynching of a William H. Crawford near Fort Worth who was accused of spreading antislavery sentiments, Bewley and his family fled Texas on July 17, 1860. They traveled through Arkansas and into Missouri. After their departure, a vigilante committee in Fort Worth offered a \$500 reward for the capture of Bewley. Others raised an additional \$500 to set the total at \$1,000. That was sufficient for a group of men to organize and pursue Bewley and capture him near Springfield, Missouri. He was hauled back to Texas where he was hanged on September 13, 1860, from the same limb as Crawford. In a letter he wrote to his wife as he was being transported by the vigilantes, Bewley protested his innocence of any of the charges made against him. In a rather thorough investigation of Bewley’s public actions as a member of the ME Church, Wesley Norton uncovered several instances of Bewley’s taking stances that were certainly not abolitionist or incendiary in nature. Bewley was, in all likelihood, a victim of intolerance run amok.²⁸

The reaction to Bewley's death in the ME Church was angry and effusive. Reverend Dr. Thomas M. Eddy of Chicago, the editor of *The Northwestern Christian Advocate*, strongly objected to the way the entire Bewley matter was handled. As quoted in *The Civilian and Gazette* in Galveston in its November 6, 1860, edition, Eddy complained, ostensibly in a communication with U.S. President Buchanan, that the silencing of clergy like Anthony Bewley and the banning of ME Church doctrine from being preached in Texas was a violation of freedom of speech, freedom of conscience, and, ultimately, the freedom of worship. The editor of *The Civilian and Gazette* clearly disagreed with Eddy, asserting that the message of the ME Church was radical abolitionism which had no place in Texas and implying that the ME Church clergy's presence had resulted in the fires and destruction experienced the previous summer. The editor did not respond to Eddy's complaint that the constitutional rights of the ME Church clergy and laity were being denied by the banning of their message and the lynching of their clergy.²⁹

Another northern publication included a letter from William H. Goodwin, a presiding elder of the ME Church in New York, which described the Bewley incident as a "raging mob" setting upon "an inoffensive citizen" and "cruelly murdering" him "simply because [he is] a member of a Northern Christian church." The direct implication, of course, was that a person's freedoms of religion and speech were being denied by the actions of the prevailing intolerant cultural milieu in Texas. The Committee on Slavery of the Rock River Conference of the ME Church entered the fray during its annual meeting the month after Bewley's death. During the meeting on October 3, 1860, the committee

reported to the conference its findings regarding the “persecutions and indignities” that their members had suffered in the South, including being forcibly dispersed, driven from their homes, and, in some cases, having their lives taken. The report includes a brief acknowledgement of Reverend Bewley’s “murder,” the banishment of his co-laborers from Texas (presumably McKinney and Blount), and a short description of the confrontation between Judge Roberts and Bishop Janes, without using their names. Throughout the report, the committee repeatedly made the point that these actions against the ME Church members and clergy were unlawful and unconstitutional. Although not stated in the report, it was clear that the committee determined that these events constituted a violation of the ME Church’s members’ and clergy’s right to freedom of religion and freedom of speech. The report concluded by resolving to pray for those being so persecuted and appointing, along with others, Eddy to correspond with other church conferences as to the best method to secure the constitutional protections to which ME Church members in the South were entitled.³⁰

As shown by the evidence presented in this chapter, antebellum Texas became a state-sponsored haven for intolerance against those who presented any anti-slavery bias or affiliation, whether those persons actually took any action or made any public declaration in that regard. The lines placed by the state, the media, the church, and other members of the cultural elite between what they deemed to be acceptable religious practice and belief and what should be prohibited invalidated the freedoms guaranteed under the United States Constitution regarding freedom of speech and freedom of religion. The furor grew during the decade of the 1850s, but heated up exponentially in

1859 and 1860 as churchmen, especially those of the ME Church, were targeted for banishment and even death because of their support, real or perceived, of an anti-slavery theology. The intolerance shown to Anthony Bewley, along with Revs. McKinney and Blount, was shocking and dismaying to their colleagues in the ME Church as well as to the northern public, whereas it was cheered in Texas and the rest of the South as being necessary to protect families and property from incendiarism and insurrection. A new tyranny had been established that dictated what the citizens of Texas could believe, what they could say, and what they could do with regard to the institution of slavery.

¹ Lewis M. Purifoy, "The Southern Methodist Church and the Proslavery Argument," *The Journal of Southern History*, Vol. 32, No. 3 (August, 1966): 332; "Politics in the Pulpit," *Texas State Gazette*, Vol. VI, No. 18, Ed. 1 (December 23, 1854): 3; "Religion and Politics," *Texas State Gazette*, Vol. VI, No. 36, Ed. 1 (April 28, 1855): 275.

² Randall M. Miller, Harry S. Stout, Charles Reagan Wilson, eds., *Religion and the American Civil War* (New York, Oxford: Oxford University Press, 1998): 77-78.

³ Randolph B. Campbell, *An Empire for Slavery: The Peculiar Institution in Texas, 1821-1865* (Baton Rouge and London: Louisiana State University Press, 1989): 1-2.

⁴ Littleton Fowler letter to Reverend William O'Conner, August 1, 1843, Littleton Fowler files, Box 1, Southern Methodist University, Perkins School of Theology Bridwell Library; Walter N. Vernon, *Methodism Moves Across North Texas* (Nashville, Tennessee: Parthenon Press, 1967): 52-53.

⁵ Campbell, 209-211.

⁶ *Ibid.*, 78.

⁷ Macum Phelan, *A History of Early Methodism in Texas, 1817-1866* (Nashville: Cokesbury Press Publishers, 1924): 224-230.

⁸ Vernon, 53-54.

⁹ Miller, Stout, Wilson, 170.

¹⁰ John Patrick Daly, *When Slavery Was Called Freedom: Evangelicalism, Proslavery, and the Causes of the Civil War* (Lexington, Kentucky: The University Press of Kentucky, 2002): 76-78.

¹¹ *Proceedings of the Baptist State Convention Held with the Church in Anderson, on Saturday before the Fourth Sabbath in October, 1856*, "Report of the Colored Population" (Anderson, Texas: Office of the Texas Baptist, 1856): 15.

¹² William Stuart Red, *A History of the Presbyterian Church in Texas* (Austin, Texas: The Steck Company, 1936): 107-110; R. Douglas Brackenridge, *Voice in the Wilderness*:

a history of the Cumberland Presbyterian Church in Texas (San Antonio: Trinity University Press, 1968): 73.

¹³ "Catholic Church and Slavery Question," *The Dallas Herald*, Vol. 7, Issue 4 (July 24, 1858): 4.

¹⁴ Daly, 131-133; Vernon, 52.

¹⁵ "The Northern Methodist Church in Arkansas and Texas," *Texas Christian Advocate*, Vol. I, No. 46 (June 30, 1855): 2.

¹⁶ Phelan, 442.

¹⁷ Ibid.

¹⁸ "Reply of Judge Roberts to Bishop Janes' Letter," *State Gazette*, Vol. 11, No. 6, Ed. 1 (September 17, 1859): 1. Roberts highlighted the terms of two of the resolutions in his newspaper article: "1st. That we had good reason to believe that the M. E. Church North, claimed the right to *preach* and *teach*, where ever they might go, that slavery was a *sin*, and that the members, and especially the ministers, *ought* to do all in their power for its eradication. 2nd. That the establishment of that church in its governmental form among us was dangerous to our safety, and that we would not permit it."

¹⁹ Phelan, 442-446.

²⁰ Ibid., 446-451.

²¹ "The Anti-Slavery Church in Fannin County," *The Weekly Telegraph*, Vol. 25, No. 3, Ed. 1 (April 6, 1859): 3.

²² "Reply of Judge Roberts," 1.

²³ "Abolition Missionaries in Texas," *Texas State Gazette*, Vol. X, Issue 52 (August 6, 1859): 1; Phelan, 452.

²⁴ Gammel, "An Act supplemental to and amendatory of an act entitled an act to adopt and establish a Penal Code for the State of Texas," *The Laws of Texas, 1822-1897*, Vol. 4 (Austin: The Gammel Book Company, 1898): 1457-1464; <http://texashistory.unt.edu/ark:/67531/metaph6730/m1/1461/> [accessed January 14, 2015].

²⁵ Vernon, 88; Richard B. McCaslin, *Tainted Breeze: The Great Hanging at Gainesville, Texas, 1862* (Baton Rouge and London: Louisiana State University Press, 1994): 22; *The Dallas Herald*, Vol. 8, No. 37, Ed. 1 (March 14, 1860): 2.

²⁶ David Pickering and Judy Falls, *Brush Men & Vigilantes: Civil War Dissent in Texas* (College Station: Texas A&M University Press, 2000): 11-13; *Texas Christian Advocate*, Vol. 6, No. 52 (August 2, 1860): 2.

²⁷ Wesley Norton, "The Methodist Episcopal Church and the Civil Disturbances in North Texas in 1859 and 1860," *The Southwestern Historical Quarterly*, Vol. 68 (July 1964-April, 1965): 335; <http://texashistory.unt.edu/ark:/67531/metaph101198/> [accessed January 17, 2015]; McCaslin, 26.

²⁸ McCaslin, 26; Phelan, 456; Norton, 333-334.

²⁹ "Clerical Insolence," *The Civilian and Gazette*, Vol. 23, No. 31, Ed. 1 (November 6, 1860): 1; Newton Bateman, LLD and Paul Selby, eds., *Historical Encyclopedia of Illinois*, Vol. 1 (Chicago: Munsell Publishing Company, 1918): 146.

³⁰ "Reverend Wm H. Goodwin Declares for Lincoln," *Steuben Courier*, Vol. 18, No. 6 (October 10, 1860): 2; "Report of the Committee on Slavery," *Minutes of the Rock River*

Conference of the Methodist Episcopal Church Held at Chicago, Ill., Oct. 3d, 1860 (Chicago: Dunlop, Sewell & Spalding Printers, 1860): 11, <http://babel.hathitrust.org/cgi/pt?id=uiuo.ark:/13960/t4qk03n5f;view=1up;seq=1> [accessed January 26, 2015]; As stated earlier, the entire Bewley affair, according to Richard Carwardine, aggravated sectional conflict in ways that the raid on Harper's Ferry by John Brown had failed to do. Carwardine points out that the northern Methodists were able to unite in their response to Bewley's death in a fashion that they had failed to produce in response to Brown. Further, Brown's means were bloody and dubious whereas Bewley's were "constitutional and Christian." For those in the South, however, Bewley's case revealed the need for greater vigilance to thwart "cunning assaults on slavery by supposedly Christian missionaries of recognized churches." While the lynching of Bewley was defended in Texas and across the South, it was universally condemned in the North. Carwardine asserts that the timing of Bewley's death, during a Presidential election year, further ensured that its lessons were spread beyond the bounds of Methodism. He quotes Thomas Eddy, the editor of Chicago's *Northwestern Christian Advocate* whose letter to President Buchanan is referenced in the paper, in which he stated that "one million Methodists were asking, 'can an Administration be found which will protect the rights of conscience and freedom of worship?'" Eddy then threatened that Methodists would vote for an Administration strong enough to protect their dearest rights. Eddy's threat was then repeated in the *Chicago Tribune* and other Republican publications across the North. Carwardine concludes that Methodists who voted Republican in 1860 did so in part to obtain "freedom from the terror unleashed on godly men like hapless Anthony Bewley." Carwardine, 607-08; McCaslin, 27.

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CHAPTER VIII

RESULTS OF FAULTY LINE DRAWING

By 1860, Texas had evolved from a sparsely settled frontier under Mexican rule with its Catholic hegemony to a fast-growing southern state dominated by its slave-owning cultural elite. While the Catholic Church was never in actual control of the entire geographic territory that became Texas, the strength of its religious and political aura did threaten the freedoms of speech and religion that the people had come to hold dear. Texans, both in spoken and written word, used church-state separation as an important rhetorical device in seeking independence from Mexico. In winning that conflict, Texans undoubtedly believed that they had defeated an enemy of basic human rights – the union of church and state.

Thereafter, throughout the period from 1836 to 1861, Texans at least in theory adhered to the separation of church and state principle as advocated and established by the American Founding Fathers. These early Texans made sure that there was no state established church when independence from Mexico was achieved. The Texas Declaration of Independence, adopted on March 2, 1836, complained of the “intolerable tyranny” composed of the “sword and the priesthood” which Mexico had imposed upon the citizens of Texas. That Declaration stated one of the grounds for seeking separation from Mexico was because the Mexican government “denies us the right of worshipping

the Almighty according to the dictates of our own conscience, by the support of a national religion, calculated to promote the temporal interest of its human functionaries, rather than the glory of the true and living God.” Moreover, the Texas state constitutions adopted in 1845 and in 1861 further cemented the separation of church and state in their respective Bill of Rights by prohibiting a religious test “as a qualification for any office or public trust” and preventing any preference ever being given “by law to any religious societ[y] or mode of worship.” Clearly, separation from a faith-based government was a vital foundation for Texas society during the antebellum period.¹

At the same time in these formative years, however, the cultural elite in Texas brought a distinctly Protestant mindset to bear on the government of the state, beginning with the incursion of Methodist, Presbyterian, and Baptist preachers and teachers into the territory in the 1820s and 1830s. By their evangelistic efforts, these Protestant missionaries were able to establish many churches and camp meetings that influenced many of the political leaders of the day. Alamo hero William Travis lent his pen to the effort to bring more preachers into Texas and political leaders welcomed these Protestant preachers into their midst, elected them as chaplains to the Texas House of Representatives and Senate without much debate or strenuous objection, and allowed them to use government buildings for public worship. One major Baptist leader, R. E. B. Baylor, presided as judge in his courtroom by day and preached revivals in that same courtroom at night. Additionally, at least one treaty entered into by the government contained provisions for the Native Americans to be taught the Christian faith. Efforts were made time and again in the legislature to pass laws regulating the sale of alcohol

and to honor the Sabbath Day, being encouraged in these endeavors by both religious and secular newspapers of the day. For many years, clergy were prohibited from being elected to the legislature for the stated reason that they should not neglect their calling to care for the souls of their parishioners, as if that were an issue with which the politicians should be concerned. And, for a time, religious organizations could not incorporate for fear that such action would entangle the church with the state.²

It is clear that the cultural elite of the day were comfortable with the relatively close relationship between church and state and religion and politics in certain instances specified herein. When it came to the issue of slavery, however, the line of separation between church and state became more firmly drawn and harshly enforced as time passed. As early as 1843, preachers were being warned and disciplined for publicly criticizing slavery, as seen in the examples of the Methodist preachers, O'Conner and Crawford. Time and again, by both Protestant and Catholic churches and religious and secular press, the message was conveyed that slavery was strictly a political and secular matter, not the concern of the church or its clergy. Thus the line was drawn between church and state in Texas and across the South that pervaded the multitude of newspaper articles, sermons, political speeches, and, concomitantly, the private conversations of citizens which occurred during the years leading up to and following the outbreak of the Civil War.

The line drawn, however, did not simply stand for the proposition that preachers and other religious persons should not speak negatively about or criticize the institution of slavery. By the 1860s, just keeping one's thoughts and beliefs to oneself regarding

slavery no longer insured one's safety and security. As the brouhaha surrounding the Methodist meeting in Timber Creek, Texas, in early 1859 followed by the Bewley affair in the summer of 1860 reveal, a person of faith in Texas in the period immediately preceding the Civil War could not escape harassment or worse for simply believing that slavery was wrong or for being an ordained representative of or a member of a denomination that stood for the proposition that slavery should be abolished. There was no evidence that Bewley had done anything to stir up a slave revolt or to endanger anyone or their livelihood, yet he was summarily hanged without trial for simply being a clergyman in the Northern branch of the Methodist Episcopal Church. This heinous act crossed a new threshold in the conflict between pro-slavery and anti-slavery groups in Texas and, indeed, in the entire nation. Execution of an ordained clergyman for his beliefs and associations struck a chord in the hearts and minds of persons across the United States.³

Once the line had been crossed in the lynching of a clergyman for the sin of belonging to a church that did not support slavery, Texans seemed to accept and support lynching as a matter of course to squelch dissent on the slavery issue. In 1862, North Texas again erupted in turmoil when dozens of persons, men and women, were hanged without a legal trial over a period of several months for alleged, and largely unproven, anti-slavery activities. The so-called, "Great Hanging" cast a pall over that area of Texas that lasted for many decades after the Civil War. While these executions were not directed at clergy per se or other persons because of which Christian denomination they affiliated themselves, à la Bewley, they were aimed at persons who allegedly held

antislavery views or beliefs. This persecution of people due to their personal attitudes or beliefs can certainly be traced back to the blurring of the lines between church and state which occurred in the Timber Creek confrontation and the Bewley lynching.⁴

What conclusions can we draw from these events? What impact does a culture's views of church and state have on its freedoms and ultimate goals? While these questions cannot be fully answered based solely on the Texas experience, some insights can be gained nevertheless. First and foremost, it appears that whatever the cultural elite accepts or promotes about the separation of church and state, that is the position that will prevail in society. The cultural elite in Texas, as well as many of the non-elites, while allowing religious faith to have influence in certain situations and in the enactment of certain legislation, also supported slavery at all costs. Pro-slavery bias was the lens through which they ultimately viewed church and state relationships. That is the lens through which they interpreted their religious beliefs. The church and its clergy could speak out in favor of moral issues such as temperance and honoring the Sabbath, for example. But if a member of the clergy spoke out against the moral issue of slavery, they were told or pressured into either keeping their views to themselves, leaving the state, or facing the lynch mob. Moreover, if a person simply belonged to a group or religious denomination that was unacceptable to the cultural elite, that person was also subject to social ostracization at best and the hangman's noose at worst. Freedom of speech, freedom of religion and freedom of association were all sacrificed to maintain slavery's stranglehold on society. Separation of church and state theory was relied upon by slavery advocates in an attempt to keep antislavery discussions in the political arena and out of the religious

sphere. Of course, once the Confederacy was formed, virtually no antislavery discussions occurred in the political arena in Texas because all the politicians supported the peculiar institution. The cultural elite's position once again prevailed.

This line drawing by those in charge in antebellum Texas originated from a position of weakness. Texas leaders depended upon the institution of slavery to maintain their positions of power and influence financially, socially, and culturally. Abolitionist advocacy that slavery was morally wrong served not only as a constant agitation to those leaders, but also constituted a real threat to their way of life. To allow antislavery or abolitionist views to be discussed or presented was anathema to both political and religious segments of Texas society. They sought and obtained the passage of laws to assuage their fears. Moreover, they agitated the public to silence those who crossed the lines that had been drawn.

The Bewley affair served as the logical and inevitable result of the elite's attitude that those who espoused or were even suspected of espousing abolitionist views were to be silenced, "peaceably if we can, forcibly if we must." Although Texas clergy at times attempted to argue that their support of slavery arose from a Biblically based, morally superior position, Texans ultimately relied upon sheer force and intimidation, both legal and illegal, to draw the line between what behavior and beliefs would be allowed. In this way, those in charge were able to get rid of the antislavery element in their midst, at least temporarily. Eventually, their machinations did not prevail, but not until after four years of war followed by many years of civil strife and struggle.

This study reveals the tensions inherent in the church-state relationship and the propensity of the cultural elite to decide where the lines separating church and state are to be drawn. It eventually became clear that the church-state separation as advocated by the Texas proslavery crowd was impossible to maintain. Attempting to totally separate the moral influence of religious persons from politics or the legislative process resulted in aberrant behaviors and an immoral and unjust cultural atmosphere. In Texas, the vacuum created by trying to remove religious input into the slavery debate became filled with kangaroo courts, lynching of innocent clergy, and the wholesale killing of a segment of the population in North Texas that was suspected of not supporting mainstream cultural values. Separation of church and state rhetoric had resulted in a more secular state whereby any religious influence over the institution of slavery was dominated by whatever those in control of society dictated. Texans had sought to remove themselves from a state church when they separated from Mexico because it endeavored to dictate to them what they could believe. By using church-state separation dogma to run off those who did not accept or support slavery, Texans had set up their own state-sponsored belief system that was dictating what citizens of the state could believe. The result was an unjust, immoral, and theologically unsupportable society in Texas and throughout the South that eventually crumbled after many years of civil strife.

¹ Texas Declaration of Independence, March 2, 1836, <http://tarlton.law.utexas.edu/constitutions/doi1836> [accessed July 6, 2013]; Constitution of Texas (1845) Art. I, Secs. 3, 4; http://tarlton.law.utexas.edu/constitutions/texas1845/preamble_a1 [accessed 11/27/2012]; Constitution of Texas (1861) Art. I, Secs. 3, 4; <http://tarlton.law.utexas.edu/constitutions/texas1861/a1> [accessed 11/27/2012].

² See Chapter III, pp. 22-56, *infra*.

³ See Chapter V, pp. 75-95, *infra*.

⁴ Richard B. McCaslin, *Tainted Breeze: The Great Hanging at Gainesville, Texas 1862* (Baton Rouge and London: Louisiana State University Press, 1994).

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