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## Church-State Relations in Ante-Bellum Illinois

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CHURCH-STATE RELATIONS IN  
ANTE-BELLUM ILLINOIS

by

John Herbert Zimmermann

A Dissertation Submitted to the Faculty of the Graduate  
School of Loyola University of Chicago in Partial  
Fulfillment of the Requirements for the  
Degree of Doctor of Philosophy

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## VITA

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## CHAPTER I

### INTRODUCTION

The purpose of this study is to examine the interactions between the legislature of the state of Illinois and various denominational or religious societies operating within the state. Special focus is on the major issues and controversies in church-state relations which confronted the legislature and the specific ways in which it attempted to sponsor and enhance the religious, moral and educational developments of its citizens by giving supports or benefits directly to these groups. An attempt is made to explain this support of religion and religious societies on the basis of the legislature's commitment to the promotion of republican ideologies inherited from the past. Thus, legislative interest in promoting religion and morality is seen as contributing to the general welfare of the citizenry and not to the advancement of sectarianism. The scope of research focuses primarily on the years 1818 to 1860 and is not limited to the specific support received by denominational groups as religious institutions but also includes that given to their educational, and humanitarian agencies.

During these ante-bellum years, the religious

societies receiving benefits from the legislature were almost exclusively Protestant Christians and represented the greatest concentration of supporters of institutional religion within the state. At this time, the idea of a Christian state was deeply imbedded in the minds of most Americans. It was simply taken for granted by the general population that governmental support to religion would be either to Protestants or to those of a Christian background. Identification with Catholicism and Judaism was considered a mark of foreignness or a lack of complete acculturation as Americans.<sup>1</sup> The actions of the Illinois legislature had the effect of reflecting this bias in that all religious societies did not receive equal benefits. Contrary to state law and political theory, that no one religion or religious group was to receive any special advantage by the state government over other groups, it will be shown that Protestant Christians enjoyed significantly greater advantages or assistance.

And, finally, it is shown with the church-state conflicts which occurred during these years, when ecclesiastical polity or practice ran counter to the professed and promulgated republican sentiments and principles of the general population, that the legislature denied, or at least limited, support to those religious societies involved and at times even withdrew support completely.



The history of church-state relations in Illinois was greatly influenced by the struggles and accommodations which had been achieved by advocates of religious freedom in the American past. Members of the state legislature were definitely aware of this heritage and intended to protect and to build upon it. Of particular importance in regard to the resolving of church-state issues which surfaced during these years was the legislature's demonstrable sensitivity and dedication to the advancement of republican and democratic principles and ideologies. Some of the former developments in church-state relations on the national scene need to be emphasized in order to appreciate the influence and dependency of the Illinois legislature on this common heritage.<sup>2</sup>

The laws and traditions dealing with religious freedom and disestablishment enacted by state authorities and the national government in post-Revolutionary America of the late eighteenth and early nineteenth centuries represented important achievements in the growth of republican values and democratic ideals. From the enactment of Thomas Jefferson's Disestablishment Act passed by the Virginia legislature in 1786, the first of its kind, to that of the Massachusetts legislature ending a church tax in 1833, a definite pattern was set whereby state authorities were denied any power to favor through the granting of tax support or to limit voting or office-holding to members of

any particular religious group, or to interfere with an individual's right to worship. With the adoption of the Bill of Rights in 1791, the federal government furthered the advancement of these sentiments by accepting the limitation that it could not enact any laws encroaching on the rights of religious freedom. The principle was clearly set forth that Congress was not to make any laws respecting religious establishments. Religion and religious concerns were declared to be private matters entirely distinct from governmental actions. Thus, the concept of "the wall of freedom," as espoused by Jefferson, became the fundamental standard of the federal government. Questions dealing with religious groups and practices subsequently became a matter for state determination. If laws infringing on the rights of religious liberty were to remain in force, for many were still on the statute books following the American Revolution, the various state governments would have to make the determination as to their removal.

In the new state constitutions which were enacted with the American Revolution, and subsequently revised during the first half of the nineteenth century, "Bills of Rights" would be included which were eventually enlarged to protect, among other civil rights, that of religious liberty. These legal and constitutional developments were a manifestation of a spirit of freedom and equality which had its roots in the colonial and revolutionary struggles to extend civil

rights and which were significantly advanced in the early nineteenth century in what has been characterized as the Jeffersonian and Jacksonian Eras. Major strides were achieved in the extension of basic freedoms and liberties. Aristocracy and privilege continued to be challenged by growing republican and democratic sentiments. For example, the advocacy of the removal of property restrictions for voting, one of the central struggles in determining the proper foundation of government, represented the transfer of power from a limited aristocracy to a more diffused male population. The elimination of religious qualifications for suffrage and office-holding was another manifestation of this evolving spirit of freedom and political equality. By the middle of the nineteenth century, nearly all property and religious restrictions dealing with the franchise and office-holding had been eliminated. The advancement of individualism and democracy were two of the most important components of this evolving equalitarian and republican spirit which challenged the idea of any religious favoritism by governing authorities.

The achievement of religious liberty in America involved more than legal and constitutional aspects. It resulted from the convergence of forces and circumstances peculiar to the nation. The most significant included the American Revolutionary experience itself which created not only a spirit of separation from foreign political control,

but also from ecclesiastic authority as well.

There was also another major factor which hastened the separation of church and state in America, spurred the religious revivalism of the First and Second Great Awakenings, and which helped to provide a rationale for government to advance religious liberty and to favor the growth of religion and religious societies. This was the impact, at least in part, of the ideologies of the eighteenth century European Enlightenment on the development of political and religious ideas in the nation. Fundamental to the evolving social and political vision which developed, as a result of the new viewpoints advanced by clergymen and legislators alike, was the imperative to make society more rational, virtuous and humane. It gradually came to be understood that the nation's character and destiny would be shaped by a complex of ideas which contemporaries labeled "republicanism."<sup>3</sup> In its full-blown ideological form, it asserted that the health of the nation was dependent upon the promotion of virtue. This could be achieved only by combining individual self-sufficiency with a spirit of public mindedness. This republicanism, which became increasingly associated with the "spirit" of the late eighteenth and early nineteenth centuries, had both religious and secular components which were closely linked. It was viewed that in order to create a model society reflecting virtue, that is, one emphasizing order and

morality, the religious life of the people had to be encouraged and nourished. Religion was to be separated from the state, in that no one sect or society would be given a favored status, but at the same time it was to serve the interests of the state by assisting in the creation of a more perfect earthly society.

Nathan Hatch described the background and development of this process as it took place in New England between the Great Awakening of 1740 and the Second Great Awakening, 1800-1825, whereby influential New England clerics combined republican ideas, drawn in part from Enlightenment ideologies, with their theological views and which in turn prompted them to attack any threats to religious or political liberty. This pattern of "Christian Republicanism," he insisted had strong ethical overtones: "It reflected perceptions of the republic as a Christian commonwealth, virtue as piety and benevolence, vice as sin, and liberty as the opportunity to do what is right."<sup>4</sup>

However, the appropriation of traditional religion to accomplish societal and governmental ends was not limited to the New England clergy of the late eighteenth century. Alexis de Tocqueville seemed to imply that it was a widely supported view. He declared that Americans combined the notions of Christianity and of republican liberty so intimately in their minds that it was impossible to make them conceive the one without the other:

I do not know if all Americans have faith in their religion - for who can read the secrets of the hearts? - but I am sure that they think it necessary to the maintenance of republican institutions. This is not the view of one class or party among the citizens, but of the whole nation; it is found in all ranks.<sup>5</sup>

Many political and religious leaders in the nation from the Revolutionary decades to the Civil War would seek to promote the ideal of a perfect society based on securing both civil and religious liberty. They would also interpret the existence of republican liberty as a sign of divine election.<sup>6</sup>

The importance of the promotion of religious freedom and religion in general as developed in the previous decades was not lost on the members of the Illinois state government. Legislators would make frequent references to the need to uphold the republican tradition in the laws which they sought to create. During the early decades of Illinois statehood, most lawmakers found little or no inconsistency in supporting religious freedom while at the same time proposing various forms of governmental actions in support of religion. The only limitation involved their determination not to foster sectarianism. By in large, the measures they adopted in support of religion were open and applicable to all religious groups. This was evident in their resolve to charter various denominational schools by including specific safeguards against sectarianism. In addition, their direct support for religion and religious societies in the forms of the use of public buildings,

financial donations, land grants and leases, incorporation privileges, tax exemptions and access to the Common School Fund were to a large degree manifestations of their widely held belief that this was the best, or possibly, the only way to maintain public order and morality.

The employment of legislative chaplains by the state further demonstrated a commitment to enhance republican principles by involving religion, in this case supporting government sponsored prayers. The involvement of clergy in this way not only provided an institutional means of supporting the popular belief in seeking the assistance of "Divine Providence" for all governmental actions, but also fostered the political advantage of utilizing on occasion their speaking effectiveness to uphold particular policies. The support of institutional chaplains represented another method whereby the state promoted public morality as well as religion.

Thus, governmental support of religion and religious societies was to a significant degree also motivated by a desire to enhance republican values and principles. It was precisely the legislative concern for maintaining and protecting republican principles which brought them in the early 1840's into conflict with Mormons in the state, who were attempting to challenge this tradition by their political and religious practices.

The Illinois press would remind the members of the

legislature, as well as the people of Illinois, of the importance of protecting this republican and democratic heritage. For example, the views of Noah Webster were presented in the Springfield press in December of 1836 in order to emphasize the need for the continuance of the close relationship between church and state in America and thereby to promote republican freedoms. Webster commented:

No truth is more evident to my mind, than that the Christian religion must be the basis of any government intended to secure the rights and privileges of a free people. The opinion that human reason, left without the constant control of Divine laws and commands, will preserve a just administration, secure freedom, and other rights, restrain men from violations of laws and constitutions, and give duration to popular government, is as chimerical as the most extravagant ideas that enter the head of a maniac. The history of the whole world refutes the opinion; the Bible refutes it; our own melancholy experience refutes it.<sup>7</sup>

The following year the same Illinois press quoted the renowned Boston Unitarian minister, Dr. William Ellery Channing, regarding his similar views on Christian republicanism in an article entitled the "Importance of Religion to Society:"

It particularly deserves attention . . . that the [C]hristian religion is singularly important to free communities. In truth we may doubt whether free communities may subsist without it.

This at least we know, that equal rights and impartial administration of justice, has never been enjoyed where this religion has not been understood. It favors free institutions; first because its spirit is the very spirit of truth and liberty; that is, a spirit of respect for the interests and rights of others.

He further maintained, which would be of particular interest to legislators, that religion supports liberty by promoting



public order:

It diminishes the necessity of public restraints, and supersedes, in a great degree, the use of force in administering the laws, and this it does by making men a law to themselves, and by repressing the disposition to disturb and injure society.<sup>8</sup>

Also quoted in the Illinois press was the Congregational theologian Leonard Woods on the close connection between religion and the republican spirit in an article published in 1838 entitled "Morals and Religion":

I look to religion as the ark in which our liberties are to be preserved; not by an unholy alliance of Church and State, but by the bland reforming influence of this religion on the manners and morals of the community, on the hearts and lives of our citizens.<sup>9</sup>

He went on to say that "this religion which we regard as the [foundation] of our freedoms, is in its genius republican."

He concluded:

Let this religion which is thus fitted to our republican institutions, shed its healing influences through all the ramifications of society and we will never despair of the republic. There will ever be found among us a redeeming spirit, which will save us from the misrules of tyranny, and the pitfalls of anarchy.<sup>10</sup>

Thus, a pattern can be detected in early nineteenth century America, based on the historical record of the federal and state support of religious liberty, and the combining of republican ideologies with the Christian religion in order to promote the general welfare of the citizenry. The history of church-state relations in Illinois followed this configuration during the ante-bellum years.

## NOTES

1. Will Herberg. Protestant, Catholic, Jew: An Essay in American Religious Sociology (New York: Doubleday, 1955), 18-35. Herberg makes the statement that this sentiment lasted until World War I when the sense of "Americanness" was no longer limited to Protestant identification.

2. For general sources on church-state relations in late eighteenth and early nineteenth century America, see: Arson Phelps Stokes, Church and State in the United States (New York: Harper and Brothers, 1950), Thomas J. Curry, The First Freedoms: Church and State in America to the Passage of the First Amendment (New York: Oxford University Press, 1986), and Martin E. Marty, "Living With Establishment and Disestablishment in Nineteenth Century Anglo-America," Journal of Church and State 18 (1976): 61-77.

3. The concept of republicanism, as defined for the purposes of this study, consisted of a complex of liberal and democratic principles drawn from the seventeenth and eighteenth century European and American Enlightenment traditions and their application in the English and American Whig heritages. Fundamental to these views was the protection from the corruption by executive and aristocratic influences in government. Ideals which were emphasized included such themes as: a written constitution, popular election of the governing class, government resting on popular consent, separation of powers, rotation in office, legislative over executive power, protection of inalienable rights (freedom of conscience, press, speech, assembly, petition, bearing arms, habeas corpus, inviolability of domicile, equal operation of the laws, no self-incrimination). A corollary to these protections was the promotion of virtue, or civic responsibility. Fundamental to this latter dimension was the fighting of ignorance and superstition through the advancement of education and the promotion of morality through the support of religion. These themes are presented in the following source: Joyce Appleby, ed., "Republicanism in the History and Historiography of the United States," Special Issue of American Quarterly, 37 (Fall 1985), 461-598.

Appleby's study also provided insights into the on-going debate among historians on the precise meaning of the term "republicanism." However, no consensus has been reached by them, except that the term represented a rejection of monarchy. Nevertheless, they have suggested a

model for consideration which they termed "Classical Republicanism." This concept included a combination of aspects derived in part from Roman "civic humanism" (emphasizing the virtues of self-sacrifice, self-discipline and public participation), as well as from English and American Whig political traditions of the 17th and 18th centuries (emphasizing the fear of arbitrary power and corruption of the constitution, the elimination of kings, government based on the people, support of an elected system and other features) based on Enlightenment ideologies. This concept also included a very important moral dimension, again derived from Enlightenment theory, calling for the regeneration or improvement of society.

Jean Baker's article "From Belief into Culture: Republicanism in the Antebellum North," in the American Quarterly 37 (Fall, 1985): 532-550, carried on this debate by revealing how the American nation, after appropriating this combined republican ideology, dramatically transformed its meaning. She stated that this change became evident by the 1830's as the former emphasis on civic humanism, with its conviction that the survival of the commonwealth depended on the virtue, discipline, participation and self-restraint of its citizens, was largely replaced by an increased emphasis on personal liberty, personal interests or what she termed "laissez faire individualism." This latter concept would be characterized by an increased emphasis on the component motifs of individualism over community interests, majoritarianism over restraint, and personal liberty over virtue, and a shift in primary concern from the regeneration of society, to preservation and maintenance. Republican virtue would be linked for the most part to private interests and to the legitimization of pursuing self-interests. The classical republican emphasis on public responsibility or "Res Publica" and a virtuous commonwealth grounded in self-sacrifice were no longer viewed to be as important. Nevertheless, Baker declared that the classical combined conception of republicanism continued to be retained and promoted in 19th century America in homes, district and common schools and political parties.

When viewing the statements and actions of Illinois legislators within the context of the changing meanings of the content of the term republicanism as outlined, there is ample evidence to suggest that the classical conception which combined aspects of both civic responsibility and participation as well as concern for popular government and the regeneration or improving the morality of society were promulgated. There are many examples which revealed how such republican ideas animated or influenced political actions during the ante-bellum period. Baker's statement of

the home, school and political parties promulgating republican ideologies also applied to the operation of the state legislature. In attempting to resolve church-state issues and concerns, the legislature not only employed republicanism as a corpus of ideas on which to base its actions, thereby reflecting what was believed, but used the concept on occasion as an ideology to actually shape political culture and in this regard revealed how ideas can enter into the realm of events, thereby linking political beliefs and behavior. In the materials which will be discussed in this study, an attempt will be made to reveal how the concept of republicanism can be used as a theme to help understand not only the political arrangements of church-state relations, but to provide insights into the whole complexity of the political culture operating within the state. It will be made apparent that it was within this context that the legislature sought to promote religion in the hope that it would strengthen the republicanism of the greater society.

I would therefore define "republicanism" as an ambiguous ideology derived basically from the American Revolutionary heritage and focused primarily on the promotion of civic humanism and public virtue. During the ante-bellum decades, this ideology increasingly took on the liberal aspects of the protection of individual rights and freedoms associated with the democratic philosophies of John Locke. This nineteenth century variant of republicanism, in effect, operated as a vehicle which enabled Illinois legislators and churchmen to synthesize their religious and political beliefs and actions.

Additional sources on this debate include: Henry H. May, The Enlightenment in America (New York: Oxford University Press, 1976); Donald H. Meyer, The Democratic Enlightenment (New York: 1976); Roy Porter and Mikulas Teich, eds., The Enlightenment in National Context (Cambridge: 1981); Jay Fliegelman, Prodigals and Pilgrims: The American Revolution Against Patriarchal Authority, 1750-1800 (Cambridge: 1982); Alan Heimert, Religion and the American Mind: From the Great Awakening to the Revolution (Cambridge, Mass., 1966); Bernard Bailyn, The Ideological Origins of the American Revolution (Cambridge, Mass., 1967); Forest McDonald, Novus Ordo Seclorum: The Intellectual Origins of the Constitution (Lawrence, Kansas: 1985); Sidney E. Mead, The Old Religion in the Brave New World: Reflections on the Relation Between Christendom and the Republic (Berkeley: University of California Press, 1977); Gordon S. Wood, The Creation of the American Republic, 1776-1787 (Chapel Hill: 1969); Ruth H. Bloch, Visionary Republic: Millennial Themes in American Thought, 1756-1800 (Cambridge: 1985); John P. Diggins, The Lost Soul of American Politics:

Virtue, Self-Interest, and the Foundations of Liberalism (New York: 1984); Steven Watts, The Republic Reborn: War and the Making of Liberal America, 1790-1820 (Baltimore: 1987).

4. Nathan Hatch, The Sacred Cause of Liberty: Political Religion in New England From the First to the Second Great Awakening (Ph.D. diss., Washington University, 1974), xiii.

5. Alexis de Tocqueville. Democracy in America, Henry Reeve, trans. (New York: Doubleday and Company, 1969), 317.

6. Governor Joseph Duncan summarized this conception of republican liberty as a sign of "Divine Election" in his address to the Illinois Senate on December 9, 1836: "Permit me gentlemen, to congratulate you upon the happy circumstances under which, by the blessings of Divine Providence, we have again assembled . . . . To be the favored citizens of such a country, and to be so signally blessed, commands our deepest gratitude to the Almighty Ruler and Governor of the Universe, under the dispensations of whose Divine Providence we are permitted to enjoy the rich and inestimable blessings of civil and religious liberty . . ." Journal of the Senate of the Tenth General Assembly of the State of Illinois . . . . (Springfield: Walter and Weber, 1836-1836-1837), 18. Timothy L. Smith, Revivalism and Social Reform: American Protestantism on the Eve of the Civil War (Baltimore: John Hopkins Press, 1980), 225-237. Smith emphasized the theme that the First and Second Great Awakenings fostered the hope that Americans would promote the establishment of "a new heaven and a new earth." Hatch, xvi. Hatch also referred to the process which took place in ante-bellum America whereby republican politics became an integral part of redemptive history: "Whereas their forefathers had never fully obeyed the covenantal terms of pure and vital religion, these citizens of the United States had compelling evidence that the standards of republicanism emerging in America went far beyond what could be expected from men in a fallen world. Having redefined what were acceptable standards, Americans found that contemporary experience confirmed as never before their status as the 'New American Israel.'"

7. Sangamon Journal (Springfield), 3 December 1836. The context of his statements was the opening of Girard College and his dismay that "according to the will of the founder, the Christian religion cannot be made a subject of instruction, and clergymen are precluded from being trustees, and from having any concern with the education of the pupils."

8. *Ibid.*, 9 December 1837.

9. Ibid., 12 May 1838.

10. Ibid.

## CHAPTER II

### CONSTITUTIONAL AND LEGAL BACKGROUNDS OF RELIGIOUS FREEDOM IN ILLINOIS

The early history of the Illinois state government reflected the evolving republican spirit of the post-Revolutionary nation by its recognition of the importance of religion to the well-being of its citizens and by its specific support to religious societies. Even before Illinois statehood in 1818, there was evidence which revealed that religious freedom and toleration were being promoted. As a result of the Northwest Ordinance of 1787, enacted by the Articles of Confederation Congress, the area that would become Illinois was given protections for religious liberty. Major clauses were included in this ordinance which were intended to remove all religious barriers to the exercising of civil rights. At the same time, the national government made no attempt to be wholly neutral in matters of religion. In fact, most political leaders in the 1780's saw no discrepancy between religious freedom and governmental aid to religion. Two provisions were included in the 1787 bill which called for extending the fundamental principles of religious freedom and for aid

to religion. The first provision stated:

No person, demeaning himself in a peaceful and orderly manner, shall ever be molested on account of his mode of worship, or religious sentiments, in the said territory.<sup>1</sup>

The second provision, which would be frequently referred to in the subsequent debates on church-state relations in the Illinois legislature, called upon the government to aid religion:

Religion, morality and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.<sup>2</sup>

The earlier Land Ordinance of 1785 was even more revealing concerning the intended governmental support of religion. This bill as originally presented to Congress had contained an additional provision to provide land grants that could be used for the support of religion as well as education, both being viewed as equally necessary for political stability and the public welfare. The first draft not only included the provision that one section of every township should be reserved for the maintenance of public schools but also that "the section immediately adjoining the same to the northward, [to be used] for the support of religion."<sup>3</sup> It was also proposed that "the profits arising therefrom in both instances, [were] to be applied forever according to the will of the majority of male residents of full age within the same."<sup>4</sup> That this measure had significant support in the Congress can be seen in the original vote which was taken on April 23, 1785. At this



time seventeen members voted to retain the religious benefit, only six voting against. When the vote was taken later by states, however, there were only five affirmative votes to retain the measure.<sup>5</sup> Although this provision was defeated, it demonstrated the interest which many members of Congress had in augmenting the religious development of the Western territory through direct governmental assistance.<sup>6</sup> Such strong support for this measure at this time possibly represented an indication that sentiments against such actions had not as yet become dominant.<sup>7</sup>

An additional reference to the early support for religious freedom in the Illinois area, while the people were still subject to Virginia law, was the reference that "military and civil officers required to take the oath of office" were allowed to do so "according to the religion to which they were accustomed."<sup>8</sup>

Illinois under territorial governance, 1809-1818, followed the precedent established in the Northwest Ordinance of 1787 in that people were given the assurance of the free exercise of religion. In 1813, the rights of conscientious objectors were recognized by the Legislative Council and the House of Representatives. Upon the petition of Dunkards (or Tunkers), Quakers "and other religious persons . . . whose religious tenets or persuasions are averse to the principle of bearing arms and of mustering as militia men or being engaged in military operations," these

governing bodies resolved that these persons would be exempted upon the payment of \$3.00 annually to the sheriff or by providing a substitute.<sup>9</sup>

As a state, one of five carved out of the Northwest Territory, Illinois would draft two constitutions in conventions during the ante-bellum period. These were the Constitutions of 1818 and 1848. In the drafting of these two constitutions, the delegates revealed their dependency on the common republican sentiments exercised by earlier governing bodies to protect religious liberties and to promote religion for the spiritual and moral welfare of the people.

The first state Constitutional Convention, held in the old French town of Kaskaskia, began on August 3, 1818, and completed its work within three weeks. Of the thirty-three delegates elected, most had immigrated into the Illinois Territory, the largest group coming from the southern states.<sup>10</sup> Their professions were diverse. Only five delegates had legal training, three of whom were territorial judges. Other professions included three physicians, two sheriffs, four connected with the salt industry, a storekeeper, a land official and one "minister of the gospel." This lone clergy member was James Lemen, Jr., a Baptist who would also serve in the 2nd, 4th and 5th General Assemblies of the state.<sup>11</sup>

One of the first actions of the convention, adopted on

August 3, 1818, was to form a Committee of three "whose duty it shall be to wait on some minister of the gospel on behalf of this convention and request his attendance to open their next meeting with prayer."<sup>12</sup> In this case, the Reverend Mr. Mitchell was selected to open the convention on the following day.<sup>13</sup> A committee of fifteen was subsequently formed, one from each county, to frame a suitable document. This group accomplished its work in only one week. The entire convention spent the next two weeks debating the proposed provisions before granting its final approval on August 26, 1818. This document evidenced considerable borrowing from constitutions already enacted by other states. In this regard, the Preamble adopted by this convention was taken in part from the Constitutions of Tennessee and Indiana.<sup>14</sup> The wording of the Bill of Rights, which contained the provisions for religious safeguards, was constructed with only a few changes from that of the Constitutions of Ohio, Kentucky, Tennessee and Indiana.<sup>15</sup> This Illinois provision read:

That all men have a natural and indefeasible right to worship almighty God according to the dictates of their own conscience; that no man can of right be compelled to attend, erect, or support any place of worship, or to maintain any ministry against his consent; that no human authority can, in any case whatever, control or interfere with the rights of conscience; and that no preference shall ever be given by law to any religious establishment or modes of worship.<sup>16</sup>

Also, included in this first Constitution and all subsequent documents was a provision barring religious tests for public

office-holding:

That no religious tests shall ever be required as a qualification to any office or public trust under this State.<sup>17</sup>

Possibly the most controversial provision proposed for inclusion in this Constitution in regard to church-state relations was Section 26 of Article II, dealing with the ministerial exclusion from the legislature introduced on August 12, 1818. This provision read:

Whereas the ministers of the gospel are by their profession dedicated to God and the care of souls, and ought not to be diverted from their great duties of their functions; Therefore, no minister of the gospel or priest of any denomination whatever, shall be eligible to a seat in either house of the legislature.<sup>18</sup>

An attempt was made the following day by Mr. Moore "to strike out the whole of the 26th section," but was rejected by the convention.<sup>19</sup> The resolution would be adopted by the convention on August 19, 1818 without amendments.<sup>20</sup>

There was no reference in the debates that this provision was rejected and yet it was not included in the final draft of the Constitution. Apparently, these delegates were influenced by the constitutions of several other states which had previously adopted measures excluding ministers from public office. This prohibition was however confined to those states where religious societies had been established in law.<sup>21</sup>

Special exemptions for clergymen, included in Section 33, were also rejected by the convention. The provision read:

No minister of the gospel, or priest of any denomination whatever, shall be compelled to do military duty, work on roads, or serve on juries.<sup>22</sup>

Unlike all the later constitutions adopted by the state of Illinois, this document was never submitted to the people for ratification.<sup>23</sup> Congress had only required that the document be submitted to itself for approval. This was not unusual for popular voting for state constitutions did not begin until 1820 with the admission of Maine.<sup>24</sup> However, the convention's ambivalent provisions on slavery nearly resulted in Congress refusing to ratify the document. The Northwest Ordinance of 1787 had specifically prohibited slavery from entering any territories or states formed in this area. By not absolutely prohibiting slavery, this Constitution was not in complete accordance with the Ordinance. Nevertheless, Congress voted 117 to 34 to admit Illinois as the 21st state, effective December 3, 1818.<sup>25</sup>

The slavery issue, which occupied the largest segment of the Convention's time and was second only to the debates on determining the location of a new state capital, prompted some religious societies to attempt to influence the membership to foster emancipation. Before the elections for delegates, these groups sponsored anti-slavery caucuses to select candidates who would support this cause. Such groups included the Christian Conference on the Wabash, the Baptist Friends of Humanity and various Methodist ministers.<sup>26</sup> An additional church group influence was revealed through

Governor Shadrach Bond's association with Philadelphia Quakers, who supplied him with anti-slavery tracts which were distributed in the state.<sup>27</sup>

A sect of Covenanters from Randolph County also tried to influence the Convention by proposing that in the constitution to be formed that the moral law be the basis of its structure, and that the Scriptures be recognized as the Word of God. Mr. Kane presented this petition on August 7, 1818, which was referred to a Committee of Five for deliberation.<sup>28</sup> On August 21, 1818, the Committee was discharged without making any recommendations on the petitions submitted to them. According to Governor Thomas Ford, these Covenanters had rejected the political system because it made no reference to God's rule. He said that for many years they "refused to work on the roads, under the laws, serve on juries, hold any public office, or do any other act showing that they recognized the government."<sup>29</sup> The Covenanters also criticized the Federal Constitution as "a godless instrument" for not acknowledging the existence and superintending power of God.<sup>30</sup>

The petition of William Thompson and others, similar to that of the Covenanters, was presented to the Convention on August 22, 1818, "praying that the moral law shall be taken as the foundation of the constitution and the scriptures declared to be the word of God, the Supreme Ruler of faith and practice."<sup>31</sup> This measure was tabled, thereby

allowing the convention to ignore it. Although the convention failed to act on either the anti-slavery petitions or those calling for the acknowledging of God's supremacy in the document they were creating, it did enact provisions which would form the basis for all future protections of religious freedom and liberty in the laws adopted by the state legislature.

After an unsuccessful attempt to gain public support for a Constitutional Convention in 1824, another was called to begin on June 7, 1847 in Springfield.<sup>32</sup> A sizable number of men were elected to this gathering, one-hundred and sixty-two. Their work was completed two months later on August 31st. As in the 1818 Convention, few of the delegates were native to the state, in this case seven. Those members with southern backgrounds continued to represent the largest concentration, with forty-one from Kentucky and Tennessee. Farmers significantly outnumbered lawyers, fifty-four to seven.<sup>33</sup> At least four clergymen were elected as delegates: Henry D. Palmer of Marshall County, the oldest member of the convention and of the Christian (Campbellite) Church, Henry R. Green a farmer and deacon of the Baptist Church of Delavon and known as "the reverend member from Tazewell," David Pinckney, Methodist professor at the Genesee Wesleyan Seminary, and William Shields, denominational affiliation unknown.<sup>34</sup> The Chicago Democrat commented that Reverend Palmer had frequently

served as chaplain to the legislature: "His language is plain, words few and expressive, manner unassuming, and he is listened to respectfully by all; and to many his sincere reverential and expressive prayer is more than acceptable."<sup>35</sup> He also served in the Indiana House of Representatives, 1822-24.<sup>36</sup>

As with the previous convention, clergymen were invited to open each morning session with prayer.<sup>37</sup> The Reverend Mr. Barger was selected to open the convention's second day, June 8, 1847.<sup>38</sup> The importance that some placed on delegates being present for these morning religious exercises was evident in Bosby Shell's resolution "that if any member of the Convention is absent from prayers in the morning he shall be docked in his per diem allowance twenty-five cents."<sup>39</sup> This resolution, nevertheless, was rejected by the convention membership.

Identical provisions found in the Constitution of 1818 protecting religious liberty were inserted in this document. However, a new Preamble was included as an attempt by the convention to keep from offending any religious groups. In fact, this provision was in response to the Covenanter's original petition and similar petitions which had been sent to the previous Constitutional Convention of 1818 and which had been largely ignored. Judge Samuel Lockwood of Morgan County was credited with drafting this Preamble designed specifically to appeal to the sentiments of such religious



groups. This provision stated:

We the people of the State of Illinois, grateful to Almighty God, for the civil, political and religious liberty which He hath so long permitted us to enjoy, and looking to Him for a blessing upon our endeavors to secure and transmit the same unimpaired to succeeding generations in order to form a more perfect government, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this constitution for the State of Illinois.<sup>40</sup>

The latter statements are obviously borrowed directly from the Preamble of the Federal Constitution. This provision would be included in the subsequent Illinois Constitutions.<sup>41</sup>

Some particular issues dealing with church-state relations were raised in this second Constitutional Convention. For example, it included a provision for the first time that church property was to be exempt forever from taxation. The legislature had in 1845 enacted a bill to this effect but this action would provide even more of a guarantee that this privilege would not be abridged.<sup>42</sup> The Constitutional provision read:

Every building erected for religious worship, the pews, and furniture within the same, and the land whereon such building is erected, not exceeding ten acres.<sup>43</sup>

The membership further debated and rejected a series of proposed amendments for Article VIII, Section 4, dealing with religious liberties. These included the attempt by Mr. Ballingall to delineate in detail the prohibitions against religious tests:

No religious test shall be required as a qualification for any officer or public trust, and no person shall be deprived of any of his rights, privileges, or capacities, or disqualified from the performance of any of his public or private duties, or rendered incompetent to give evidence in any court of law or equity, in consequence of his opinions on this subject of religion.<sup>44</sup>

This amendment was tabled and not revived.

Mr. Thornton proposed a substitute amendment on religious freedom which was also tabled:

And that the civil rights, privileges, or capacities of any citizen shall in nowise be diminished or enlarged on account of religion.<sup>45</sup>

The attempt by Mr. Jenkins to limit office-holding to theists, or those believing in a personal God, was also rejected by the convention. His substitute amendment read:

No person who shall deny the being of a God, or who shall hold religious principles incompatible with the freedom or safety of the State, shall be capable of holding any office or place of trust or profit, in the civil department of this State.<sup>46</sup>

An additional limiting substitution was offered by Mr. Eccles to set religious belief as a basis for serving as a court witness and which similarly failed to be included in Article VIII, Section 4:

No person denying the existence of a Supreme Being or a future state of rewards and punishments, shall be a competent witness in any case in this State.<sup>47</sup>

In rejecting these last two provisions dealing with imposing religious qualifications for office-holding or for acting as court witnesses, the convention membership was upholding principles of religious liberty previously set in the Constitution of 1818 and also reflected their republican

sentiments in general.

Two extremely important provisions were adopted by this convention in regard to the common school system: the appointment of "directors" to each school district and the stipulation that no clergy were to occupy this position:

Resolved, That each of these seminaries [public educational institutions] be directed and governed by a man of science, skill and practical experience, acquired by an answering exercise in the performance of the profession of teaching school;

Provided, however, that no preacher of the gospel be employed in this station.<sup>48</sup>

The delegates approved this latter measure undoubtedly to counteract the growing charges of sectarian bias in the allocation of the common school funds.<sup>49</sup>

A provision for conscientious objectors in peacetime was also included for the first time in the state's Constitution under Section 2, although it was recognized in law as early as 1813. The constitutional provision read:

No person shall be compelled to bear arms in time of peace, provided he shall pay an equivalent for such exemption; And provided, further, that this section shall not excuse any person from bearing arms when called upon to aid the civil authorities, or to suppress insurrection, or repeal invasion.<sup>50</sup>

There was some discussion in addition of exempting persons having conscientious scruples from serving on juries. The committee formed to discuss this provision was discharged, however, before any action was taken.<sup>51</sup>

The most significant debate which took place dealing with church-state relations, and also well publicized in the

press, concerned the attempts of certain delegates to censure the remarks made by a local minister during his Sunday sermon. Reverend Mr. Albert Hale, of Springfield and one of the clergymen serving the convention, had preached an anti-war sermon which was interpreted by some delegates as a criticism of the American involvement in the Mexican War and as one which cast aspersions on those who had volunteered to served from the state. Mr. Akin officially brought the matter to the attention of the convention on July 12, 1847 by offering the following motion:

Whereas, Mr. Hale, in a sermon on the 11 day of July, in the Second Presbyterian Church, denounced the existing war with Mexico, as being unjust; and whereas, such declarations ought not to be tolerated, more especially in a republican government; and whereas it is unbecoming a minister of the gospel to use such language in a gospel sermon, or before the young and raising generation,

Therefore, Resolved; That said Mr. Hale be excused from holding prayers in this convention for the future.<sup>52</sup>

A vote was then taken in favor of tabling this motion, 82 to 36. Of the clergy members of the convention, only Green voted against this motion.<sup>53</sup> Mr. Campbell of Jo Daviess County represented the position of the delegates who were angered by what they regard to be a disrespectful and unpatriotic act. He remarked that he understood that Hale, "had in his pulpit denounced those who had been engaged fighting the battles of the country, as moral pests in society."<sup>54</sup> An argument then ensued as to what had actually been said by Reverend Hale among those delegates

who had attended the church service in question. There seemed to be definite differences of opinion on what had been said and how it should be interpreted. Mr. McCallen said that every man in a republican government, had a right to express an opinion as to whether a thing done by the administration was just or unjust: "But when a Divine so far forgot his place as to denounce those who had periled their lives in the service of their country, he thought it was the duty of this body to mark such an act with their disapprobation."<sup>55</sup> Mr. Turnbull reminded the delegates that the remark had been made from the pulpit and that it seemed to him that the Convention was traveling beyond its proper sphere. He added: "even if it were permitted them to call in question what had been said by a minister in his pulpit, the accused party ought to have an opportunity to rebut the charges."<sup>56</sup> In response to this criticism of Hale's alleged remarks, Mr. Knapp introduced a motion praising all those who were serving in the war:

Resolved, That this convention highly appreciates the service of the volunteers, both officers and privates, of this State, who have periled their lives in the cause of our common country in the war with Mexico, that their fame is established upon an immovable basis, far above the reach of calumny, having earned for themselves a character that needs no vindication, and which cannot be impaired by detractors.<sup>57</sup>

Mr. Campbell then moved to amend the previous motion by adding a specific reference to clergymen who were critical of the war:

And that this convention highly deprecate all

reflections prejudicial to the character of the volunteers, coming from the pulpit or any other place.<sup>58</sup>

The motion was adopted. Mr. Deitz stated that he had heard the sermon and that Hale spoke against all wars as being unjust; Mr. Campbell, again questioning Hale's patriotism, asked: "Did he state that the war of the Revolution was unjust?"<sup>59</sup>

Mr. Pinckney, a clerical delegate, voiced his concern with what the convention was doing to Hale's reputation: "to arraign a Minister of the Gospel in the way they had done, and after spending half an hour in a debate tending to injure his reputation with the community."<sup>60</sup> He said it was becoming evident that there was a growing sentiment that the body did not want Hale to pray for them. Pinckney commented:

He would sooner have a man who feared not to stand up and maintain the right, and declare the truth, regardless of the favor of politicians - regardless of the opinions of men - he would rather have such a man pray for him, than any other. It might be all very well for politicians, or political demagogues, to abstain from lisping a word against the heroes of Buena Vista and Cerro Gordo; but a minister of the Gospel ought to be governed by very different impulses.

He asked:

Was it becoming in this convention to cast a stigma, as they had done, upon the reputation of Mr. Hale? Was it their province to enter the pulpit of a minister, and prescribe to him what he should say - dictate to him what doctrine he should inculcate?<sup>61</sup>

Dr. Davis concurred that the convention was "entirely wrong in following Mr. Hale to his church and criticizing his

sermons."<sup>62</sup> Following this debate, Mr. Palmer, another clerical member of the Convention, offered the following motion against censoring members of his profession:

Whereas, all men have a natural and indefeasible right to worship Almighty God according to the dictates of their own conscience, and that no human authority can, in any case whatever, control or interfere with the right of conscience; and whereas, liberty of speech is one of the invaluable rights of a free people, being responsible to the laws of the land for any abuse thereof; therefore,

Resolved, That while as individuals we do dissent from any of the positions assumed by the Reverend Mr. Hale, as they have been reported to this convention, we do disclaim all censorship over the pulpit, or the opinions expressed therefrom, inasmuch as such censorship is in violation of the rights of the Reverend gentlemen, all beyond our legitimate sphere.<sup>63</sup>

A vote was taken to table this motion, 60 to 54. The clergymen in the convention split their vote, Palmer and Pinckney against tabling, Shields and Green in favor.<sup>64</sup>

On July 19, 1847, when Reverend Hale attempted to offer morning prayer at the convention, he was prevented by some delegates. Other members, appalled at such behavior to punish and embarrass Hale by denying him access to the convention, sought to protect the other ministers from such indignities by calling for the suspension of all morning prayers. Mr. Knapp, representing these delegates, moved:

Whereas, a respectable minister of the gospel [Hale], whilst attending the convention to open the session by prayer, under resolution of the convention, has been grossly insulted and menaced with bodily injury by a member of the convention; and whereas, it is alike due to the convention and the minister that we should not invite them to perform that duty unless we could secure them against such indignities; therefore,

Resolved, That the resolution inviting the clergymen of Springfield to open the sessions of the convention with prayer be rescinded, and that the secretary inform the said clergy of the same, with the assurance of the convention that this step is not adopted from any dissatisfaction with the manner in which they have discharged their sacred duty, but solely from an unwillingness to subject them to a repetition of such indignities.<sup>65</sup>

The motion was adopted.

After almost a week, on July 26, 1847, Mr. Gedder readdressed the issue. He said that he was pained by the course which the convention had taken in relation to the clergymen of Springfield. "The conduct of the Convention," he said, "had been disgraceful in the extreme. They had first invited clergymen in the hall to invoke the blessings of heaven upon the deliberations of this body . . . and now by their action they had declared to those clergymen, 'We can do without your services; we had rather dispense with them than to defend and protect you from insult and injury.'"<sup>66</sup> "Are we become so graceless," he asked, "that a minister of the gospel is not safe among us?"<sup>67</sup> Other delegates, also not pleased with the suspension of morning prayers and interpreting the convention's action as a sign of weakness and an unwillingness to protect themselves, moved to reinstitute the practice on July 26, 1847.<sup>68</sup> Mr. Hayes offered this motion:

Resolved, That so much of a preamble and resolution in relation to the chaplains of this body (which appears on the Journal of Tuesday last) as assumes that this convention is not able and willing to protect itself and officers from interruption or insult while in discharge of their duties, be rescinded.



Resolved, That the president be requested to provide for the opening of the morning sessions with prayer.<sup>69</sup>

The resolution was adopted. Mr. Edwards of Madison further moved that:

the secretary be directed to call upon the clergy of the different denominations in the city, and to solicit an arrangement among themselves, for opening every morning by prayer the meetings of the convention.<sup>70</sup>

Thus, between July 21st and 26th the convention operated without clergymen. However, beginning with July 27th, morning prayers were resumed with the Reverend Mr. Palmer officiating, an elected member of the convention.<sup>71</sup> On the 28th, Reverend Finley offered prayers, thereby reinstating the practice of calling on local clergymen. It would appear the discontinuance of morning prayers was only for a brief period. By the last session of the convention, August 31, 1847, tempers appear to have cooled for the delegates were able to pass a unanimous resolution acknowledging their thanks to the several clergymen who had acted as chaplains.<sup>72</sup>

It is apparent that the delegates at the Constitutional Convention of 1847 were dependent on the basic religious guarantees included in the state's first Constitution of 1818. A significant new feature of this Constitution was the Preamble acknowledging God's rule, an enactment designed to appeal to those of the more fundamentally orientated religious societies. By including in this Constitution provisions which had previously been

enacted into law by the legislature, the rights of conscientious objectors and tax benefits to religious societies, the delegates were strengthening what they believed to be basic religious liberties and benefits. Their decision not to censor a member of the clergy also reflected their commitment to free speech and republican virtues.

In reviewing the constitutional and legal backgrounds of the protection of religious freedom in Illinois, it is evident that state authorities, drawing on a previous pattern established by the national government in the North West Ordinances, were interested in fostering the religious life of its citizens, both as a response to general public spirituality and to their republican concerns to augment public morality and order. The basic religious liberties incorporated into the state's first Constitution of 1818, were carried forward and expanded in the future constitutional documents proposed and/or enacted in the ante-bellum period of the nineteenth century. The guaranteeing of basic religious rights, incorporated into the constitutional section entitled "the Bill of Rights," included freedom of worship, the right of religious conscience, no governmental preference to any one religion, and no religious test requirements for holding public office. Beginning with the Constitution of 1848, the convention delegates resolved to include a "Preamble"

acknowledging God's rule and providence over the state. In addition, they provided constitutional guarantees, beyond what the legislature had previously incorporated into law, by providing exemptions for conscientious objectors in peacetime, and tax benefits for religious societies.

On certain church-state issues, the various Constitutional Conventions were unwilling to impose any limitations on religious expression or association. These included the attempt in 1818 to exclude clergymen from holding any public office. Republican sentiments prevailed among the delegates for this exclusion was not adopted. Clergymen would be elected to the various state legislatures and to each Constitutional Convention. The Convention of 1848 did exclude ministers however from being appointed directors of public school districts.

The issue of censoring clergymen, in this case the Reverend Albert Hale's alleged criticism of governmental policies, involved the delegates of 1847 in considerable debate and revealed the presence of strong republican sentiments protecting the rights of free speech. A consensus was reached by the delegates that to impose such a limitation on members of the clergy, regardless of the circumstances, was not within the prerogatives or sphere of the convention.<sup>73</sup>

## NOTES

1. Francis Thorpe, ed., The Federal and State Constitutions, Colonial Charters, and Other Organic Laws of the States, Territories, and Colonies Now or Heretofore Forming the United States of America (Washington, D.C.: Government Printing Office, 1909), 960. Article I.
2. Ibid., 961. Article III.
3. Edmund C. Burnett, The Continental Congress (New York: Macmillan Company, 1870), 624.
4. Ibid.
5. Ibid.
6. Ronald A. Smith, "Freedom of Religion and the Land Ordinance of 1785," Journal of Church and State 24 (1962): 589-602.
7. Edmund Burnett, 624. Commenting on this religious provision, he said: "That a proposition so contrary to the spirit of religious liberty should have crept into the measure is nothing short of astounding." This statement failed to appreciate that governmental support for religion in a frontier society would have definite salutary effects for the settlers in terms of increased order and morality.
8. Clarence W. Alvord, ed., Cahokia Records, 1778-1790, vol. 2, Collection of the Illinois State Historical Library (Springfield: Illinois State Historical Library, 1907), liii.
9. Francis Philbrick, ed., The Laws of Illinois Territory, 1809-1818 (Springfield: Illinois State Historical Library, 1950), 87.
10. Janet Cornelius, Constitution Making in Illinois 1818-1970 (Urbana: University of Illinois Press, 1972), 22. Nine delegates were from the southern states of Kentucky, Tennessee, and Virginia, six from the northeast, Massachusetts, Pennsylvania and New York.
11. Ibid., 333.

12. Journal of the Constitutional Convention of 1818 found in Journal of the Illinois State Historical Society, vol. 6, April 1913 to January 1914 (Springfield: Illinois State Historical Society, 1914), 357.

13. Ibid., 363.

14. Thorpe, vol. 2, 1057 and vol. 6, 3414. Taken from the 1816 Constitution of Indiana and the 1796 Constitution of Tennessee.

15. Ibid., (Ohio) Article VIII, Section 3, vol. 5, 2910, (Kentucky) Article X, Section 3, vol. 3, 1289, (Tennessee) Article XI, Section 3, vol. 6, 3422, (Indiana) vol. 2, 1058.

16. Ibid., 981. Article VIII, Section 3. This provision was repeated in the Illinois Constitutions of 1848, under Article XIII, Section 3, and in that of 1862 and 1870. See: Thorpe, 1007.

17. Ibid., 981. Article VIII, Section 4. Copied directly from the Tennessee Constitution of 1796, vol. 6, 3422.

18. Ibid., 373. Also copied directly from the 1796 Tennessee Constitution, vol. 6, 3420.

19. Ibid., 388.

20. Ibid., 406.

21. Henry Brown, The History of Illinois From Its First Discovery and Settlement to the Present Time (New York: J. Winchester, New World Press, 1844), 445. States which excluded clergymen from the legislatures were New York, North Carolina, Virginia, South Carolina, Kentucky, Tennessee, Louisiana. See: De Tocqueville, 296n.

22. Journal of the Constitutional Convention of 1818, 373.

23. Walter F. Dodd, The Revision and Amendment of State Constitutions (Baltimore: John Hopkins Press, 1910), 65. The only exception to this practice was that the Convention of 1847 declared Section 4 of the Constitution in force without submitting it to the people.

24. Cornelius, 1-12.

25. Journal of the House of Representatives of the United States . . . First Session, Fifteenth Congress (Washington, D.C.: E. De Krafft, 1817), 174. See also: Journal of the Senate of the United States of America . . . Second Session, Fifteenth Congress (Washington, D.C.: E. De Krafft, 1818), 52. Ninian Edwards and Jesse B. Thomas appointed Senators and seated. Apparently, there was also a question whether the population of Illinois had reached the required 60,000.

26. Cornelius, 22.

27. Ibid.

28. Journal of the Constitutional Convention of 1818, 365.

29. Thomas Ford, A History of Illinois From Its Commencement as a State in 1818 to 1847, ed. Milo M. Quaife, vol. 1 (Chicago: Lakeside Press, 1945), 25.

30. Ibid. See also: Illinois State Historical Society vol. 6 (1913-14), 349-350.

31. Journal of the Constitutional Convention of 1818, 418.

32. The people of Illinois voted against calling constitutional conventions in 1824, 1842 and 1856.

33. Journal of the Constitutional Convention of 1818, 418.

34. Arthur C. Cole, The Constitutional Debates of 1847 in the Collections of the Illinois State Historical Library, vol. 14, Constitution Series, vol. 2 (Springfield: Illinois State Historical Library, 1919), 335, 973. Green was also a delegate to the Constitutional Convention of 1862, 960. Pinckney was elected to the General Assembly, 1854-58, 1864-68, and served as State Senator, 1876-77, 974. William Shields was listed as a farmer and later elected to the General Assembly, 1852-54, 973.

35. The Chicago Democrat, 17 August 1847.

36. The Constitutional Debates of 1847, 972-73.

37. Journal of the Convention Assembled at Springfield, June 7, 1847 . . . . (Springfield: Lanphier and Walker, 1847), 9.

38. The Constitutional Debates of 1847, 10. The following ministers participated in offering morning prayers at this convention: Bailey, Barger, John G. Bergen (Presbyterian), Brown, Crist, Charles Dresser (Protestant Episcopal), Finley, Henry R. Green (Baptist), Albert Hale (Presbyterian), H. D. Palmer (Campbellite or Disciples of Christ), William Shields. For denominational affiliations see: Historical Encyclopedia of Illinois, with Commemorative Biographies 2 vols (Chicago: Munsell Publishing Company, 1926), 45, 137, 215.

39. The Constitutional Debates of 1847, 118.

40. Journal of the Convention . . . June 7, 1847, 511. Mr. Thomas actually brought the motion to the convention floor, August 28, 1847, 395. See also: the original proposed Preamble without a religious clause, August 18, 1847, 395.

41. See: Thorpe, Preamble listings for the Constitution of 1862, 1870 and 1920-22.

42. Revised Statutes of the State of Illinois, Fourteen General Assembly 1844-45 (Springfield: Walters and Weber, 1845), 3-4.

43. Journal of the Convention . . . June 7, 1847, 79.

44. Ibid., 452.

45. Ibid.

46. Ibid. Borrowed directly from the Tennessee Constitution of 1796, see: Thorpe, vol. 6, 3420.

47. Ibid.

48. Ibid., 1041.

49. While a member of the Illinois legislature, it was charged in the Alton Spectator that Peter Cartwright had favored the Methodists: "Strong personal objections existed against Mr. Cartwright on the ground that he was supposed to be desirous of giving the funds appropriated for public education to the Methodists as a sect." Quoted in the Sangamon Journal, 22 August 1835.

50. Journal of the Convention . . . June 7, 1847, 143-144

51. Ibid., 111.

52. Sangamon Journal, 20 July 1847.

53. Ibid. See also: Journal of the Convention . . . June 7, 1847, 167.

54. Sangamon Journal, 20 July 1847.

55. Ibid.

56. Ibid.

57. Journal of the Convention . . . June 7, 1847, 168.

58. Ibid.

59. Ibid.

60. Ibid.

61. Ibid.

62. Ibid.

63. Ibid.

64. Ibid., 169.

65. Ibid., 186.

66. The Constitutional Debates of 1847, 486.

67. Ibid.

68. Ibid., 197.

69. Ibid.

70. Ibid., 519.

71. Ibid., 517.

72. Ibid., 540.

73. Sangamon Journal, 29 July 1847. Commenting on the actions of the convention, this newspaper expressed its views: ". . . that Rev. Mr. Hale was responsible only to his God and his church for any religious or moral sentiments which he might utter in his pulpit; that the Convention had no control over him in this respect, and that the attempt to exercise an inquisitorial power over his preaching was a violation of every principle on the subject of religious liberty hitherto held sacred in our republican government."



Clergymen would continued to be elected to subsequent nineteenth century constitutional conventions. The unsuccessful 1862 Convention included the Reverends Joselyn, Betteheim and Richmond. Journal of the Constitution Convention of the State of Illinois Convened at Springfield, January 7, 1862 (Springfield: Charles H. Lambert, 1862), 15, 24, 77. Those clergymen who served the convention included: Birth, Clarke, Hale, Miner, Richmond, Andrus, Dr. Brown, Mr. Brown, Reynolds, Miner, Clover, Haschmann and Burch. No new provisions regarding religious liberty were included in this proposed Constitution which were not already included in the former Constitution of 1848.

The Constitutional Convention of 1869-70 not only established the basic laws for the state for the next century but also represented a major turning point in Illinois church-state relations. In the document drafted, definite provisions were included which in the strongest terms prohibited specific forms of governmental support to religious societies which had been granted in the past. For example, all forms of sectarian aid by the state government were prohibited. Section 40 as adopted read: "Neither the General Assembly nor any county, city, town, township, school district, municipal or other corporation, shall ever make any appropriation, or pay for from any public fund whatever, anything in aid of any sectarian purpose, or to help support or sustain any school, academy, seminary, college, university, or other institutions of learning, controlled by any sectarian denomination whatever." Debates and Proceedings of the Constitutional Convention of the State of Illinois Convened at the City of Springfield, Tuesday, December 13, 1869, vol 1 (Springfield: E.L. Merritt and Brothers, 1870), 292, 384. The issue of whether the State should enact any law regarding Bible reading in the public schools was hotly debated and resolved in the negative. The convention also resolved to included in the religious freedoms section a limiting provision in regard to the maintenance of public order. The provision read: ". . . but the liberty of conscience hereby secured shall not be construed to dispense with oaths or affirmations, excuse acts of licentiousness, or justify practices inconsistent with the peace and safety of the State." See: Thorpe, 1041, Article II, Section 3. This proviso reflected the concerns of the delegates with those, particularly the Mormons, who were viewed in the past to have attempted to cloak acts of "licentiousness" in the guarantees of religious liberty.

## CHAPTER III

### LEGISLATIVE ATTEMPTS TO LIMIT SECTARIAN INFLUENCES

There were several specific areas of tension and conflict in this ante-bellum period between the General Assembly and various religious bodies which operated within the state. Some of these issues were rooted in conflicts among the various sectarian groups along regional or denominational lines, or based in popular prejudices. It was evident that there was much sectarian rivalry in the state. As a Conference of the Methodist Episcopal Church stated in 1852: "If [their church] falters, other denominations, with [C]hristian zeal and enterprise stand ready to occupy every field, which she may abandon."<sup>1</sup> And in 1861, a subsequent Conference of the Methodist Episcopal Church commented: "the fact that other denominations are now laboring in the same fields, should prove an incentive to special effort on our part, 'that no man take our crown.'"<sup>2</sup> There also existed a definite division among church groups from the period of earliest settlement between those who had an affinity for southern attitudes and interests or those of New England. Of the early settlers in the state by 1818, a considerable number were Methodists and Baptists with

southern backgrounds who had lived under and struggled against the limitations imposed by church establishments.<sup>3</sup> Arriving in Illinois, they were anxious to preserve and protect their religious and political liberty. The Methodists would numerically become the dominant religious group in the state. By 1839, it was reported that the Illinois Conference, which included the whole state, had about 6 districts, 60 circuits preachers, 120 local preachers, and about 15,000 members.<sup>4</sup>

Baptists became the next largest religious group in the state, coming mostly from the states of the South, although some came from New England. As a group, they represented a long tradition of championing the cause of religious freedom. In fact, the goal of separation of church and state was incorporated into their principles of faith.<sup>5</sup> By 1839, the Baptists had grown to 19 associations, 200 churches, 150 preachers, and 6,000 communicants and were "rapidly on the increase."<sup>6</sup>

Congregationalists and Presbyterians, largely from New England backgrounds, represented the third largest religious groupings. Many of the Congregationalists had benefitted from the privileges associated with church establishments in the northeastern states and were not at all as reluctant to mix religion and politics. Their numbers also increased with the growth in Illinois' population. It was also reported in 1839 that "a Congregational Union, composed of

some eighty churches, independent of the presbyterian government" had been formed and that "the Cumberland Presbyterians and the Methodist Protestant denominations, both embracing about 30 preachers and about 1,000 communicants" were operating in the state as well.<sup>7</sup> There were additional religious groups operative within the state whose numbers remained small in comparison to those mentioned. These groups included Episcopalians, Lutherans, United Brethren, Amish, Universalists, Millerites, Spiritualists, Unitarians, Campbellites, Swedenborgians and those of the Judaic traditions. Roman Catholics were few in number in Illinois during the early decades of the nineteenth century; however, their proportion would significantly increase beginning in the 1840's with the expansion of European immigration into the Midwest.<sup>8</sup>

Much of the religious tensions and rivalry in the early period had to do with contests between the Southern and New England groupings seeking to influence the course of religious developments within the state. The areas of sectional and sectarian controversy would in turn involve state authorities and the making of governmental policies, in that members of these religious groups served in the legislature.

Significant church-state issues centered on the questions of the direct participation of clergymen in politics, of the chartering of denominational institutions

of learning and the development of the common school system. Peter Cartwright, a very active Methodist clergyman and well-known Illinois politician, twice elected to the legislature, reflected the regional and sectarian conflicts in his reaction to the charge of "the political and religious aristocrats of the day" [New England clergymen] that the southern orientated preachers were incompetent:

It is true, a great many of those ministers of the gospel who preach . . . did not graduate in a college in some of the older states, and it is also true, that many of them never went through a regular theological course of reading and study . . . but at the same time, they are better pulpit orators . . . . And, notwithstanding this Valley of the Mississippi has furnished some of the ablest statesmen and orators that ever graced our Legislative Halls of Congress . . . yet when we read the foul, false, and slanderous productions of a certain set of hired and mercenary men, whose letters have been published in many of the religious periodicals, on this continent, you would suppose the citizens of this Valley, and especially of the state of Illinois, were a perfect band of ignorant, lawless, Goths or Vandals, or something worse.<sup>9</sup>

Cartwright shared the bias against national benevolent societies as well, being convinced that New School Presbyterians sponsored them as a means to increase their power and influence in the state. He added:

One of the agents of those national societies told me, that I might oppose as much as I pleased, but in a few years they would be strong enough to carry all the elections in the state, etc. Another stated to a gentlemen in Sangamon county, that if he wanted to be popular and get into office, he would favor those national societies, for, added he, in a few years we will have a majority in favor of them.<sup>10</sup>

The issue of whether the clergy should take an active role in politics or hold public office sharply divided

members of these religious groups as well as the necessity for an educated or seminary trained ministry. Concerning this prejudice, a writer in the Western Intelligencer of 1816 denounced a Methodist circuit riders for advocating that only those who were known for their religious and moral lives should be elected to public office. This writer criticized the political careers of these "ambitious divines":

But let me here premise, that upon enquiry, the existence of the above plot among the Methodists to elect none if possible for the legislature or congress but professors, is clear. At many camp meetings immediately preceding the late election (and we certainly had plenty of them) the people were pathetically harangued to that effect, and awful to tell, from the pulpit! And the Rev. Jesse Walker, and the Rev. M. Harbison, and perhaps others, faithfully executed this portion of divine worship . . . . The farther the evil progresses the more difficult will be the application of a remedy. The quicker this error is corrected the better.<sup>11</sup>

This reference was not really representative of Methodist practice in general. At this time, the majority of the members of this denomination would have agreed that these clergymen had no business getting involved in politics. It was the members of the Congregational and Presbyterian groupings who were much more likely to mix politics and religion.<sup>12</sup> For example, in 1843 a Methodist conference revealed its disdain for its ministers becoming involved in politics:

Ministers having charge of circuits and districts . . . having turned their attention to politics and become candidates for the legislature and Congress; and have filled their seats as legislators and congressmen . . .

[have acted] contrary to [their] solemn vows made in ordination.<sup>13</sup>

This body particularly disliked that one of its clergy members was presently employed as an editor of an abolition newspaper. This "individual . . . [was] an active agent in what tends very much to disturb the quietness and peace of Christian people."<sup>14</sup> The conference therefore resolved that "preachers are not to engage in agencies of any kind not recognized in the Methodist Episcopal Church, or to become an editor of a paper." Again, in 1844, the Methodists asserted their position "that it is highly improper for any member of an annual conference to engage in political strife."<sup>15</sup>

A more traditional account of those who identified with southern mores would be the Methodist minister who wrote the press in support of William Henry Harrison's candidacy in 1840. The editor described him as:

An old Methodist minister, who had been one for upwards of forty-three years, and who never in his life subscribed for a purely political paper - who never attended a purely political meeting, or in any shape or way engaged in politics, other than go to the polls and give his vote . . . .<sup>16</sup>

De Tocqueville also commented on the general attitude of clergymen toward political involvement:

When I finally came to inquire into the attitudes of the clergy themselves, I found that most of them seemed voluntarily to steer clear of power and to take a sort of professional pride in claiming that it was no concern of theirs.<sup>17</sup>

Such negative sentiments of political involvements by

the clergy were apparently shared by newspaper editors as well. The Sangamon Journal provided some insights into the disdain it held of clerical influence and direct involvement in politics. In an article titled "Religious Evils" the editor, S. Francis, commented:

It is a great evil that the church has set up so many men for public teachers who are not even men of common sense: but it is a much greater evil that so many ministers are men of the world, and essentially unlike the Master whom they profess to serve.<sup>18</sup>

The Louisville Journal, noting that "the Rev. T. Maddin had become the editor of the Tennessee Democrat, a ferocious political newspaper," commented:

The extraordinary number of clergymen, that have taken charge of Jackson and the Van Buren newspapers and received political offices during the last eight years has been one of the most remarkable features of the time. 'When nations are to perish in their sin, 'Tis in the Church the leprosy begins.'<sup>19</sup>

On May 30, 1844, the Sangamon Journal, again quoting from the Louisville Journal, reported:

We understand that a venerable and well known Methodist Clergyman of Ohio was arranged before his conference, not long ago, charged with interfering in politics. He fully admitted the truth of the accusation and stated that he 'felt himself as much bound to fight locofocos on week days as to fight the Devil on Sunday.'<sup>20</sup>

An additional negative comment on the role of the clergy in politics, as well as on those of other professions, was made in the press during the 1834 Illinois governor's race. In promoting the candidacy of General James D. Henry, his supporters emphasized in listing his qualifications that he was not only "a staunch republican" but also not "of the



learned professions."<sup>21</sup> They declared that "General Henry is neither a lawyer, a physician nor a clergyman. He is emphatically a working man - a mechanic . . . ." <sup>22</sup> Thus, lauding the praises of the common man, these political boosters asked:

Shall we then hesitate as to our choice? Have we not had a fair experiment of lawyers and preachers for Governor? What have we gained by yielding the destinies of this State into the hands of these men?<sup>23</sup>

This antipathy to clerical direct involvement and influence in politics, as noted previously, was reflected in the draft proposal of the state's first Constitution, August 19, 1818, which included two sections pertaining to members of this profession:

Section 26. Whereas the ministers of the gospel are by their profession dedicated to God and the care of souls, and ought not to be diverted from their great duties of their functions; Therefore, no minister of the gospel or priest of any denomination whatever, shall be eligible to a seat in either house of the legislature.

Section 33. No minister of the gospel, or priest of any denomination whatever, shall be compelled to do military duty, work on roads, or serve on juries.<sup>24</sup>

The Illinois Intelligencer, on learning that this was proposed for inclusion in the new state Constitution, suggested that the provision be extended to include all civil offices:

It is with pleasure I learn that the Committee appointed to draft a Constitution have embodied in it a provision to exempt ministers of the Gospel from the servile and arduous drudgery of legislation, and of electioneering to procure themselves seats in the legislature. This provision is extremely humane and is not without precedent in other constitutions. The flesh of many of these preachers is very willing, but their spirit is

truly weak . . . .

But I would humbly suggest that said provision is not sufficiently extensive to administer complete relief. Why not disqualify preachers of the Gospel from holding any civil office?<sup>25</sup>

Neither section was adopted into the new Constitution.

Republican principles prevailed in the Convention, none were to be denied a voice or participation in the governing of the state because of their religious office.<sup>26</sup>

Nevertheless, a prejudice against the direct involvement of clergy in politics continued to exist within many denominations, particularly Methodists and Baptist, until the decades immediately before the Civil War. Ministers of these traditions attempted to avoid all party or political strife and became involved politically only when issues involved religious or moral aspects. Their reliance on "moral persuasion," with its emphasis on individual reformation or character development would shift by the mid-nineteenth century to an "arm of the law" approach as they appealed directly to the state legislature for redress of their grievances. Increasingly, they became more active politically, as the major social issues of the day, slavery, temperance, Sabbath observance, popular amusements and the like, took on more political overtones. They also urged greater responsibility by their parishioners to vote for "good men" who would support their programs. Between the 1830's and 1850's, increasing numbers of clergymen were generally more willing to become involved

politically by speaking out and by running for public offices, not as partisans for any political party but as spokesmen for the public welfare.<sup>27</sup>

The chartering of educational and benevolent institutions sponsored by these sectarian groups was another issue which created much friction among the various denominations and which was carried over into the legislature. There was no question that the legislature reflected a definite concern, if not hostility, during the early decades of this ante-bellum period towards the growth and influence of strictly sectarian institutions within the state. When the New Englander or Yankee clergymen, largely representing Congregational and Presbyterian churches, attempted to sponsor the creation of their own educational institutions, they initially encountered strong opposition in the legislature, particularly from those legislators with southern backgrounds. An indication of this strong southern influence was revealed in the composition of the 1835 legislature.<sup>28</sup> Regarding the regional tensions within the early settlement of the state:

It was another instance of the meeting of the frontiers, namely the history of one frontier pushing northward by Southerners and of another pushing southward by Northerners with a merging and an overlapping near the central part of the State. There, occurred some of the bitterest clashes between the sections, each striving for supremacy in the State's Councils.<sup>29</sup>

The southern element in the legislature was generally hostile to the incorporation of any college by sponsors with

links to denominational groups from the Northeast because of their fear that the college corporations created might acquire extensive real estate holdings which could aid them in becoming dominant religious powers in state politics. Thus, many of those who sought incorporation for their colleges and academies found the legislature to be largely unsupportive. For example, in December 1830, the new president of Illinois College, Edward Beecher, "first task . . . was to go down to Vandalia, then the seat of government, to press for a charter from the legislature. After weeks of delay, the bill was defeated."<sup>30</sup> In May of 1833, The Western Monthly Magazine commented on the difficulty those sponsoring colleges were having with members of the General Assembly:

This is another indication of public sentiments, or at least of the policy of the legislature. There is a great deal among our lawgivers of religious domination, and of sectarian influence. Bills to incorporate religious societies, for the simple purpose of enabling them to hold a few acres of ground for their meeting-houses, and graveyards, have more than once been introduced and rejected. No college, or other institution of learning in which any one religious sect is known to have a predominant influence, has ever yet received a charter in this State, nor will any such institution ever be incorporated here, unless public sentiment shall undergo a change. This prejudice is to be deplored . . . .<sup>31</sup>

Influenced in part by the 1819 Dartmouth College ruling by the Supreme Court, that a state could not revoke a charter once granted and consequently would not have any control over sectarian schools, the Illinois legislature was very reluctant to grant charters of incorporation to

sponsors of denominational institutions. A memorial submitted to the legislature in 1833 calling for the support of the incorporation of sectarian colleges, however, had the desired effect. This appeal sought to address the fundamental concerns of those in the state government who wanted to limited sectarian influence. The questions addressed included:

1. Are institutions of this character really needed in the State?
2. Is it important to their success that the trustees who manage them should become bodies corporate?
3. Can corporate powers be granted with safety to the public interests?<sup>32</sup>

Thus, mindful that these denominations had the potential of great influence in state politics by virtue of the privileges of incorporation, the legislature finally resolved to grant such charters, but not without setting limitations on the amount of land to be held at any one time and guaranteeing the freedom of conscience and religion liberty for students and teachers involved in these institutions. The Union College Charter granted to Presbyterian sponsors in 1833 was a representative example of the ways in which the legislature attempted to protect the state from undue sectarian influences by limiting land size to one section [640 acres] and by including a non-sectarian stipulation. The important charter provisions read:

Section 7. The college shall be open to all persons of

good morals, neither shall any particular religious faith be required of those who become trustees or students of the institution: Provided always, That no theological department shall ever be attached to, or connected with said Union College, and if any such department shall hereafter be attached to, or in any manner whatever [connected] with said institution, this act shall from thence forward cease and be of no effect.<sup>33</sup>

The Union College Charter would be further amended in February 22, 1839 to include a provision protecting the religious liberties of parents and guardians:

It shall not be in the power of the trustees of the Union College of Illinois, nor any teacher or professor thereof, to make, ordain, or establish, any rule or regulation, to enjoin or compel the attendance of any pupil to any particular church, or place of divine worship, against the wishes of the parent or guardian; nor shall any such rule, which may have been made, be enforced by said trustees, teachers, or professors; nor shall the tenets of any particular sect, or persuasion of religion, be ever taught, or in any manner inculcated, in said college.<sup>34</sup>

Reflecting their republican sentiments, the legislature resolved to include an additional stipulation which allowed for moral indoctrination:

This act shall not be so construed as to authorize a neglect of proper instruction in moral duties and obligations, but shall only be construed so as to prevent discord and jealousy on religious subjects among the parents, guardians, and other patrons of the said college.<sup>35</sup>

Alton College, a Baptist institution incorporated on March 1, 1833, received similar restrictions to that called for in the Union College Charter, including the stipulations that theological professors and departments were to be prohibited.

Section 7 The college shall be open to all persons of

good morals, neither shall any particular religious faith be required of those who become trustees or students of the institution.

Section 8 No professor of theology shall ever be employed as a teacher at said college, nor any theological department be connected therewith . . . .<sup>36</sup>

After considerable combined lobbying pressure by denominational advocates, the legislature in 1835 further approved the incorporations of Illinois College [Presbyterian], McKendree College [Methodist], and Jonesborough College [Baptist], also by including the limiting provisions that "no college can hold more than 640 acres nor operate or have connection with it a theological department."<sup>37</sup>

The Reverend George Washington Gale, a Presbyterian from New York, was successful in further winning legislative support in 1837 for the founding of the Galesburg and Knox Manual Labor College. This institution proposed the innovation of utilizing students labor to offset educational costs. The objectives of incorporation stated it was to establish a "system of mental, moral and physical education, and so reduce the expenses of such education by manual labor and other means, as shall bring it within the reach of every young man of industry and promise."<sup>38</sup>

Additional colleges would be incorporated in later years and would have the same general provisions included in their charters.<sup>39</sup> However, the state did not always hold to the designated land size restriction for in 1844 it make

a major exception by granting 1,000 acres to the [Roman Catholic] University of St. Mary of the Lake.<sup>40</sup>

Even in those sectarian institutions which were chartered for the specific purpose of training candidates for their ministries, and which were allowed to be controlled by trustees filled exclusively from their denominations, the legislature included provisions limiting sectarian influence. For example, the charter of Cherry Grove Seminary approved in 1845 included the stipulation:

No religious tests or pledge shall be required of any student instructed in said institution, nor shall any student admitted into the said institution to be educated be required to attend the instruction and preaching of any sect or denomination against the wishes of his or her parents or guardian, but so far as regards general education the said institution shall be free to all, irrespective of their religious opinions.<sup>41</sup>

A similar stipulation was also included in the charter of the University of St. Mary of the Lake in that "no particular religious faith shall be required of those who become students of the institution."<sup>42</sup> Again, in the chartering of Blackburn Theological Seminary on February 13, 1857, sponsored by the Presbyterian minister, Gideon Blackburn from Virginia, a non-exclusion provision was included in regard to admission:

No applicant for the benefits of the institution, who is a professor of religion in any of the generally acknowledged protestant denominations, shall be excluded.<sup>43</sup>

It was clear that the legislature had less objections to incorporating the educational institutions of religious



societies if they were prohibited from imposing their sectarian dogmas. It is very questionable, however, if many members of the state government would have agreed with Peter Cartwright's statement in 1834 on the advantages of sectarianism:

Do not complain that there are so many sects, and so much sectarianism in these lands: this in all probability is the political salvation of the country. I am sure, when you consider that liberty of conscience and freedom, with all its concomitant blessings, was secured by the blood and treasure of our fathers . . . we cannot watch over this glorious boon with too much care and attention, and we should be ready at all times to resist any encroachments on this freedom, knowing that the tyranny of the Pope had its beginning, and the despotism of Church and State commenced in small things - but they gradually rose higher and higher, until the civil and religious liberties of the people were lost - and perhaps lost forever.<sup>44</sup>

The Common School Movement was another example of church-state interaction in Illinois. In this regard, the various religious societies attempted to cooperate with state authorities both in broadening the educational opportunities within the state and in promoting "Christian republicanism." According to L. Cremin, in the period immediately after the American Revolution "the importance of education in fostering religious and republican values was second, perhaps, only to the family's."<sup>45</sup> Writing from New Salem on March 9, 1832, Abraham Lincoln, as a candidate for the Illinois House of Representatives, reflected the presence of this republican current:

Upon the subject of education, not presuming to dictate any plan or system respecting it, I can only say that I view it as the most important subject which we as a

people can be engaged in. That every man may receive at least, a moderate education, and thereby be enabled to read the histories of his own and other countries, by which he may duly appreciate the value of our free institutions, appears to be an object of vital importance, even on this account alone, to say nothing of the advantages and satisfactions to be derived from all being able to read the scriptures and other works, both of a religious and moral nature, for themselves.<sup>46</sup>

Lincoln was articulating the common view that education was productive for the religious and moral good of society. In not presuming to dictate any plan or system, he was revealing his willingness to support any measure designed to advance the general education of the public.

Church leaders were very instrumental in the promoting and establishment of this public system of education as they had been earlier in the formation of their own academies and institutions of higher learning. Most of the early promoters and supporters of educational institutions in the state were persons of strong religious convictions who expected the institutions which they sponsored to reflect their values.<sup>47</sup>

The advancement of public education in Illinois developed slowly. Although the Northwest Ordinance of 1787 and the Enabling Act of 1818 both called for the support of education, Illinois adopted its first constitution in 1818 without any provision for a school system. The state legislature did not initiate a publicly supported educational system until 1825 with the passage of the Free School Law. The bill's preamble emphasized its primary

republican purpose to advance education in order to eliminate ignorance and intolerance:

To enjoy our rights and liberties we must understand them: their security and protection ought to be the first object of a free people and it is a well established fact that no nation has ever continued long in the enjoyment of civil and political freedom which was not both virtuous and enlightened; and believing that the advancement of literature has always been and ever will be the means of developing the rights of man, that the mind of every citizen of a republic is the common property of society, and constitutes the basis of its strength and happiness; like ours, to extend the improvement and cultivation of the intellectual energies of the whole.<sup>48</sup>

Particularly instrumental in the passage of this bill were the Reverend John Mason Peck and Governor Edward Coles, both Baptists.<sup>49</sup> Nevertheless, public supported education would continue to develop slowly in Illinois. Many residents of the state insisted that the private institutions previously established were adequate for current educational needs and resisted any form of public taxation for education. As a consequence in 1827, the legislature reversed itself by eliminating the free provision of this legislation. A substitute system was proposed whereby voters were to decided whether the educational funds necessary to support the system were to be raised partially or totally through taxation. Responding to popular resistance to any form of general taxation for public education, the legislature included a provision in this revised bill that: "No person shall hereafter be taxed for the support of any free school in this [S]tate unless by

his own free will and consent, first had and obtained in writing."<sup>50</sup> Clearly, this bill represented a major set-back for those who were anxious to advance free education in the state.

In the fall of 1832, the legislature, continuing to rely on the sale of land supplied by the Federal Government as the primary method of funding public education, petitioned Congress for approval of the creation of a special Common School Fund:

. . . requesting that body to pass a law to authorize the Legislature of this State to appropriate one sixth part of that portion of the five per cent fund that is exclusively bestowed on a college or university, and also money arising from the sales of the two townships of land reserved for the use of a seminary of learning, to constitute a fund, the interest of which shall be annually distributed among the counties of this State, according to population, to establish and support common schools therein.<sup>51</sup>

The following December, Governor John Reynolds cautioned the legislature that "the original fund which the Congress of the United States had appropriated to the state of Illinois for education, ought not to be diminished or squandered away, but reserved for its laudable objects forever."<sup>52</sup> Nevertheless, his advice was not heeded for these funds would be appropriated mostly for other than educational purposes. In a commencement address at Shurtliff College, July 29, 1840, John Russel of Bluddfale commented on what had happened to this fund:

The government of the United States has been to us no unkind step-mother, but has extended her favors to us with an unsparing hand. One thirty-sixth part of the

soil of the State has generously been given us for the support of our common schools. Besides this, three dollars on every hundred, paid into our land offices, are appropriated, to the same sacred object. From these sources alone, including the surplus revenue, we have already received more than seven hundred and fifty thousand dollars! But the United States government might as well have thrown this sum into the crater of Venus. Every dollar of it has been squandered. We can obtain . . . the interest of it only from our own pockets. The several legislatures of this state did, indeed, waste this fund, but visit not them with your indignation. The people themselves are the source of power. Can the stream rise higher than its fountain?<sup>53</sup>

The Sangamon Journal also reported in 1847 on the condition of the Common School Fund and on its continued support for public education:

This fund has been squandered - having been used in paying the ordinary expenses of our State Government - the funds is wholly gone! . . . If the State had invested the school fund in good State stocks, those stocks would be now paying the interest upon that fund. But it is useless to deplore past mishaps and mismanagement. It is certainly good policy to create a school fund.<sup>54</sup>

The public press was also very supportive of this new educational proposal and attempted to mold public opinion in its favor. J. Francis, editor of The Sangamon Journal commented in 1833 on the necessity for the poor in the state to be educated "if the republic is to survive":

Indeed, we are not anxious about the wealthy, which is already tolerably well provided for, as about the education of those who earn their bread by their daily labor. How many a fine and vigorous mind is kept down, among this class of the people, for want of the benefits of early education, which every republic, that is not a mere political farce, or Ambition's ladder, for demagogues to climb up on, ought certainly to afford to the very poorest of her sons.<sup>55</sup>

Concerning the state government's role in advancing the lot

of the rank and file, he charged:

What! are not 'all men created equal?' Yes, but how long will they continue so, when your legislature gives you, whose lot it is to labor, nothing but the mere garbage of ignorance to feed on, while the rich, in the mean time are permitted to riot upon all the luxuries of intellectual enjoyment.<sup>56</sup>

He concluded on the need to advance educational opportunities within the state:

Men of the West! What are you about? You are listening to the bickerings of rival creeds in Religion, and rival parties in politics, and you are overlooking the very means that can save you either from falsity in the one, or perversity in the other. You are neglecting to enlighten the minds of your children, and than, what designing priest shall not be able to hoodwink them?<sup>57</sup>

The Alton Spectator earlier in June of 1834 presented some insights into the defects of the state system of education at the time and further urged the adoption of the new Common School plan:

1. The want of a sufficient number of competent teachers.
2. The waste of money and the time of children by employing persons to teach who are not qualified.
3. The want of suitable uniform books in the same school.
4. The waste of books, occasioned by putting such as are too large and expensive into the hands of children before they are old enough to use without destroying them.
5. The difficulty of collecting together at one place a number of scholars sufficient to justify the employment of a competent teacher as long as the wants of the children require.
6. The system is unfavorable to such as can spare their children but a part of their time.<sup>58</sup>

This newspaper concluded:

It is confidently believed that a judicious system of circuit schools will . . . remedy these defects. [It] is better calculated to supply the wants of the thin settlements than any plan hitherto adopted . . . .<sup>59</sup>

One of the most significant public meetings in support of the common school system was held in a Presbyterian church in Springfield, Illinois on November 15, 1834. At this time it was decided to send a delegate to the State Education Convention which was to be held in Vandalia on December 5, 1834. Reporting on this meeting, the Sangamon Journal asserted:

We have not met with an individual who did not readily acknowledge the necessity and importance of the establishment of a Common School system in this State, by which the funds designed for the education of our children, should be brought into active use, and by which the blessings of [it] should be secured to the children of every settlement in the State . . . .<sup>60</sup>

Governor Duncan also addressed the legislature on December 3, 1834 on the subject of the school fund and recommended that it "be divided among the people so that the present generation might enjoy the benefit of it."<sup>61</sup> He also recommended the establishment of some permanent system of common schools and called upon the legislature to act. He said:

the value of education cannot be properly appreciated until provision is made for instruction in the higher branches of literature, . . . [and recommended] the subject of a state seminary to the serious consideration of the legislature . . . .<sup>62</sup>

On February 7, 1835, the legislature enacted the important Common School Bill entitled: "An act to provide for the distribution and application of the interest on the school,

college and seminary fund," which set up the Common School Fund.<sup>63</sup>

Denominational leaders viewed the common school system as not only the most effective means of uplifting the educational development of the young people of the state but also an excellent opportunity to advance the religious and moral nurturing of the people as well. Aware of the inadequacies of their own academies, with limited resources in promoting Christian education, these religiously affiliated common school advocates readily embraced the idea of a state-supported elementary system in which they would take an active part. "It is a fixed policy of our church," reported the Methodist Rock River Conference in 1858, "that our children 'must' be educated, and it is a well known fact that the demand for instruction exceeds our ability."<sup>64</sup> Most significant in this regard was that they expected to dictate, or at least to influence, the content of instruction.<sup>65</sup> Many denominational schools would also act as the common school in their respective districts until public facilities were established. A feature often included in the charters of these denominational or private schools read:

There shall be attached to said academy a primary department, in which shall be taught all the branches which are usually taught in common schools in this state; and said department may become and thereafter constitute the common school of the district in which said academy may be located, in manner as hereinafter provided.<sup>66</sup>



Thus, ministers, as well as the laity, actively promoted the common school system among the general population and lobbied the legislature to adopt this educational system. Once the system was adopted, these representative of religious groupings significantly influenced the operation of the system.

Opposition to the common school legislation took several forms. As noted, many residents, particularly those from the southern part of the state, disliked the taxation involved. Their influence was strong enough to force the legislature to modify the original 1825 bill and to prevent the adoption of any measure calling for the support of public education based on taxation until 1855.<sup>67</sup> However, the major objections to the common school system by some religious groups, namely Presbyterians, Lutherans and Roman Catholics, were that it was too secular and too Protestant. These groups would as a consequence seek to construct schools under their own control. Roman Catholics, in particular, resented the Protestant orientation and character of these common schools and demanded a proportion of the public funding for their own parochial schools. According to David Tyack:

Although most critics of the school bureaucracies did not question the aim of transmitting the dominant culture through public education, other dissenters opposed the common school precisely because they treasured cultural differences which public schoolmen were attempting to destroy. This was particularly true of Catholics, many of whom bitterly resented the Protestant character of public education in nineteenth

century America.<sup>68</sup>

The opposition among Protestant groups to the public schools was greatest among the Missouri Synod Lutherans, Old School Presbyterians and Episcopalians. Many from these groups felt that the greatest danger to their religious traditions was not the sectarianism within the common schools, but the secularism. They were appalled by the secular spirit operative in this education system: "its worldly objectives, unsound methods, lack of discipline, sectarian or atheistic and agnostic teachers, irreligious textbooks with false philosophies of life, and unchristian and legalistic moral precepts."<sup>69</sup> Therefore, not satisfied with the religious and moral training which was being provided and desirous of maintaining their own doctrinal purity, these religious groups sought to form their own parochial schools. By 1870, the Old School Presbyterians had established sixteen parochial schools in the state, although they would not thrive.<sup>70</sup> Episcopalians, primarily motivated more by concerns for the religious indoctrination of the young, attempted with limited success to develop independent schools as alternatives to the common schools.<sup>71</sup> Among the Lutheran traditions, the Missouri Synod was the most supportive of parochial schools, having established seven in Illinois by 1851.<sup>72</sup>

Although the primary catalyst behind the promotion of the common school system was the achievement of universal

education within the state, nativistic anti-Catholic sentiments were also definitely involved. For Protestants, the common school would become the means of advancing the general educational level of the people in order that they might be better able to thwart Catholic proselytizing and political influence. Midwestern nativism against Roman Catholics was linked to the ever-increasing number of foreigners arriving in America during this ante-bellum period. Of particular concern to Protestants was that large numbers of these immigrants, mostly from Germany and Ireland, were Catholics and that many were migrating to the West. Concerning these immigrants, a conference of the Methodist Episcopal Church commented in 1852:

The German population, who come among us with their strange politics, theology, morals, and religion - uncared for in this land . . . fall an easy prey to wily politicians or more wily priests of the Romish Church . . . .<sup>73</sup>

Illinois Protestants were aware that the Catholic ingredient in the nation had been dramatically altered since the close of the eighteenth century. Bishop John Carroll of Baltimore had estimated that in 1790 there were some 35,000 Catholics in the United States out of a total population of approximately three million. By 1848, that population had increased to an estimated 1,190,700 out of a total population of approximately twenty-three million.<sup>74</sup>

A strong statement opposing nativism appeared in the Illinois press under the title "Native Americanism, No.11."

This article raised serious objections to the use of religious prejudice as a means of acquiring political power:

We like this neither better nor worse because it is the Roman Catholic Church which is the object of the Native party's relentless hostility and unsparing vituperations. We have no particular liking to that church, and our faith differs as widely from its creed as a common Christianity will permit. We are not impressed by its ceremonies, and have very rarely darkened the doors of any of its churches. But perfect religious liberty is a birthright we can never peaceably part with, and whoever is its assailant, we stand on the defense. When the members of any communion are disfranchised or subjected to ignominy on account of their faith, we feel that a vital compact has been broken and our birthright endangered. What we demand of the catholic, we demand also for the Jew and the infidel, as well as for all protestants - perfect immunity from annoyance of reproach on account of their faith. If any one shall fall into transgressions, punish his fault, not his faith . . . .

The article continued:

And while we deprecate all intermingling of religious differences with political controversy we deem this peculiarly unfortunate in the case of the Roman Catholic church. The mass of the members of that church among us are apt enough naturally to be clannish and distrustful of our people of different creeds - this is certain to render them even more so. They generally come in among us ignorant, and their minds are soon filled by demagogues with bitter prejudices; this is directly calculated to deepen those prejudices and render their ignorance perpetual. All that is evil and dangerous in the character popularly contributed to the largest portion of our Irish and German catholic population is certain to be aggravated . . . . What is good there will be overborne . . . by a Native American crusade against them.<sup>75</sup>

In spite of these positive statements, there were indications that nativistic sentiments existed within the state of Illinois. According to one newspaper:

There is quite a pretty democratic quarrel going on in St. Clair. The German paper there says that a majority of the voters in that county are for Shields for

Senator; but that there is a spirit of "Native Americanism" among the democracy, which would defeat Shields on account of his foreign birth. On the other hand, the democratic and whig papers of the county insist that the recent election of a Representative there, favorable to Breese, is conclusive evidence that the people are in his favor. These are democratic points which we are not called on to decide.<sup>76</sup>

Other articles would appear in the state press which claimed that the Roman Catholic hierarchy had a plan "of making the Catholic faith the prevailing religion in the United States, and especially in the western states."<sup>77</sup> This was a concern of Lyman Beecher, an influential Presbyterian minister from New York, who spoke in 1835 for many Protestants in Illinois in response to the increased numbers of Catholics in America:

Let the Catholics mingle with us as Americans and come with their children under the full action of our common schools and republican institutions and the various powers of assimilation and we are prepared cheerfully to abide the consequences . . . . If they could read the Bible . . . their darkened intellect would brighten and if they dare to think for themselves, the contrast of Protestant independence with their thralldom, would awaken the desire of equal privileges and put an end to an arbitrary clerical dominion over trembling superstitious minds.<sup>78</sup>

Responding to such appeals, Protestant leaders would attempt to fortify themselves against an alleged "menace" and one such endeavor was to exclude Catholic influences from the common school system.

Anti-Catholicism was one of the few issues on which Protestants groups could agree. As a consequence, they not only were willing to join ranks at home but also in the foreign mission fields. The formation of the American Bible

society in 1816 and the American Home Missionary Society in 1826 were examples of cooperative attempts among Protestant clergy to save the American West. Another example of denominational cooperation in order to confront Catholicism was the formation of the American and Foreign Christian Union, a non-sectarian society in which "different denominations are represented on its board of control and among its missionary laborers" and which "sends Bibles and missionaries into regions where Roman Catholicism is wholly dominant."<sup>79</sup> Most importantly, the increased Catholic presence was viewed to be a threat to the republican and democratic institutions of the nation. Catholicism was depicted not only as a false religion but as a positive danger to the state in that it subverted good government, sound morals and education. According to Elson, no theme in the public school textbooks before 1870 was more universal than anti-Catholicism:

From the 1870's to the end of the century such harsh condemnation is softened, but it is continuously violent up to that time, heightened a bit, perhaps, during the period of Nativism.<sup>80</sup>

Protestants condemned what they called "State Church evils" associated with the Catholic traditions and exposed what they considered to be "the glaring absurdities of [this] crumbling system of superstition."<sup>81</sup> "We are only safe as a people," declared one Protestant association, "while our institutions of learning are under the influence of a truly orthodox and evangelical religion."<sup>82</sup> The

maintaining of Protestant influence in the common school system was seen as "a safeguard against ignorance, a bulwark against foreign superstitions and priestcraft."<sup>83</sup>

Another example of this concern of the alleged threat to civil liberties was expressed by Methodist authorities alarmed that Protestant children were being sent to Jesuit schools:

[We] are pained to know that there are persons in our country professing Protestantism who, forgetful of the highest interests of their children, patronize the Jesuit schools of the Roman Catholic Church instead of our Protestant schools, under the false impression that they afford better facilities for thorough intellectual culture than our Protestant institutions of learning, while the truth is, their educational facilities are not so good as ours, their course of study not so thorough, and the children thus sent to those schools are exposed unsuspectingly to the secret, often silent, but yet some system of proselytism, carried on constantly in those institutions, so that nearly all the converts from Protestantism to Catholicism are obtained through the influence thus exerted upon the children of Protestants placed in these Jesuitical schools.

These Methodists continued:

These facts we have seen with pain, and especially at this time when the Romish hierarchy are making such gigantic efforts to bring this country under their influence and control, and thus to destroy our civil and religious liberty.<sup>84</sup>

In 1866, the Illinois Conference of the Methodist Episcopal Church further resolved that "the practice, especially of some of our people, of educating their children at Roman Catholic Seminaries, is fraught with serious dangers and damage."<sup>85</sup>

It was evident that the purpose of Protestant leaders in attempting to influence, if not control, the common

schools was to see that their religious and moral concerns be taught in addition to republican values and traditions. They held the view that "in a republican government all the paramount interests of the state are seen to rest on the intelligence and virtue of the people, as the basis of their support and the prime level of their existence."<sup>86</sup> In this way, Protestants viewed that native and immigrant children would be assimilated into the American value structure. Only by this means, it was viewed, could such diverse elements of the population be acculturated and dangerous teachings and traditions be corrected. With the increasing numbers of foreign nationals coming into the state, spurred by the completion of the National Road to Vandalia in 1811, the opening of the Erie Canal system in 1825 and the operation of the Illinois Central Rail Road in 1856, the Protestant imperative to dominate the common schools became an even greater priority for those of this religious persuasion to safeguard and advance their moral, religious and republican ideals. Concerned with the task of educating "the great wave of population overspreading the valley of the Mississippi," a Methodist body insisted in 1854 that the common school system must offer "an education . . . that shall be American in all its essential principles."<sup>87</sup> Common schools would become increasingly associated in the popular mind with republican sentiments, whereas, private schools continued to be viewed as elitist. A Protestant



association would affirm: "The life of this republic depends on keeping our education Christian, and making it as far as practical, universal."<sup>88</sup> Protestant churchmen would allege other threats to Christianity in this period, in addition to that of Roman Catholicism, as ". . . French infidelity, German rationalism and Chinese paganism."<sup>89</sup>

With this background, it seems evident why control over education became one of the areas of sectarian contest in Illinois and the Midwest. Common schools would in effect be linked to a Protestant educational system. It was further hoped that teachers would share these Protestant values and traditions. Written into the state school laws was the provision that all teachers were to "sustain a good moral character" in addition to other professional qualifications. It was stated by one Methodist group that "Christian men and women employed as teachers in the public and nonsectarian schools of the land will do much to protect us against [the] direful danger which threatens us."<sup>90</sup> "While we desire that our Common Schools may be kept free from sectarian bigotry," reported another Methodist agency, "we will use all laudable means to secure such teachers as have not only adequate scientific training, but, in addition, will throw around the young a healthful religious influence."<sup>91</sup>

The fact that these public schools were operated by state authorities was not viewed by Protestant leaders to be an obstacle or encumbrance. Protestants simply assumed that

they were involved in a shared responsibility with public authorities in the promotion of Christianity and in the moral development of the citizens of the state. Although no one sectarian religion was to be propagated in these public school houses, moral training could not be divorced from religious instructions and indoctrinations. As a consequence, public schooling involved considerable religious content in that Bible readings, prayers and hymns were basic components of the curriculum. This emphasis on dispensing Protestant religious morality and Bible education was reflected in a statement by the Illinois Conference of the Methodist Episcopal Church in 1863 of the "necessity of moral instruction as a co-ordinate branch of education in our common schools, and being convinced that no system of moral instruction can be depended upon as thorough and efficient without the use of the Bible." This body resolved:

. . . that we earnestly recommend the introduction of the Bible into all the common schools of the State as a book of reading and study, believing that a more general observance of its sacred precepts will best promote the domestic, social and political happiness of our people, and will afford us the only security for the stability of our government and the perpetuity of our free and happy institutions.

We are fully satisfied that no civil government can exist without a moral basis and at the same time secure the interest and happiness of its citizens. In all Christian lands, the Bible is, and must be, the textbook in morals, and when it is excluded from our common schools, the very foundation of our civil institutions is uprooted, setting aside the great moral truths of the Bible, which form the very basis of our free institutions.<sup>92</sup>

Thus, there were three primary areas where the Illinois legislature attempted to limit sectarian influences within the state. First, they shared in the public bias during the early years of the state's history against members of the clergy exercising direct political roles. Some denominational groups, largely Baptists and Methodists, were initially opposed to their ministers actively participating in politics or to holding public offices. Other groups, Congregationalists and Presbyterians did not share to the same degree this antipathy against the political participation by their clergymen. Undoubtedly influenced by this denominational sentiment, delegates to the first Constitutional Convention in 1818 would unsuccessfully attempt to prohibit clergymen from serving in the General Assembly.

The legislature's concern with sectarian influence within the state was also reflected in their initial reluctance to charter denominational educational institutions. This hesitancy was based on their fear that such incorporation benefits, particularly in the form of land grants, would provide sectarian groups with increased political influence and public recognition. Denominational competition was also apparent as those groups with the largest memberships, Methodist and Baptist, and consequently with the most political influence, attempted to use this advantage against other groups seeking governmental

assistance. Beginning in the early 1830's, the legislature would begin to issue charters to denominational institutions, but sparingly and not without the specific safeguards of limiting land size to 640 acres and non-sectarian stipulations which insisted on open admission policies and no requirements or policies based on sectarian dogma.

The common school system represented the third area where the state legislature attempted to limited particular sectarian influences, but at the same time to encourage and to support the influence of a general Protestant ideology. Although these schools were controlled directly by state authority, Protestant clergymen and many persons of strong religious convictions, were encouraged to become actively involved in influencing the character and policies adopted by these institutions, including the content of the curriculum.<sup>93</sup> Public education had a slow start in Illinois, and, as a result, the state began by authorizing the existing denominational schools to serve as common schools until public facilities were constructed. This system also operated as a place where various Protestant groups could join with the state to promote general educational and morality. In part, denominational support of the common schools represented a nativistic response to perceived threats to their religious ideologies and the welfare of the state and nation. The overwhelming

protestant and secular orientations of these public schools would created problems for the increasing Catholic and other non-Protestant populations of the state. These people resented the dominant Protestant influences and the attempt to thwart their involvement in this school system and to proselyte their children. The existence of strong anti-Catholic prejudice can be detected in the operation and curriculum of these schools. In effect, by allowing this Protestant influence, augmented through selected Bible readings, hymns and prayers, the state was in part underwriting a religious ideology. One of the only clear limitations, imposed in 1847, on the school system by the legislature was prohibiting clergymen from becoming common school directors.

## NOTES

1. Annual Minutes of the Illinois Conference of the Methodist Episcopal Church for the Year 1858 (Springfield: Capital Enterprise Printing Company, 1852), 25.

2. Minutes of the Rock River Annual Conference of the Methodist Episcopal Church (Chicago: R. L. and C. L. Wilson and Company, 1861), 17.

3. M. Evangeline Thomas, Nativism in the Old Northwest, 1850-1860 (Ph.D. diss., Washington, D.C.: The Catholic University of America, 1936), 35. Thomas stated that the West itself fostered religious ideals as well as political principles: "There was an insistence upon the separation of Church and State as the individualism of the frontier gave rise to an increasing number of sects; all were usually increased by the innumerable revivals. See: E. G. Lentz, "Pioneer Baptists in Illinois," Transactions of the Illinois State Historical Society, 34 (1927): 122-130. For a discussion of anti-ecclesiastical laws and the problems faced by dissenters in the older states see: William Taylor Thom, The Struggle for Religious Freedom in Virginia: The Baptists (Baltimore: Johns Hopkins University Press, 1900) and Henry R. McIlwaine, The Struggle of Protestant Dissenters for Religious Toleration in Virginia (Baltimore: John Hopkins Press, 1894).

4. Sangamon Journal, 29 October 1839. The various Methodist Episcopal Annual Conferences in Illinois reported the following data for 1861: Illinois Conference, 27,524 members, 3,369 probationers, 418 preachers and 267 churches; for 1860 the Southern Illinois Conference reported 20,297 members, 4,260 probationers, 393 preachers and 256 churches; and also for 1860, the Rock River Conference reported 19,184 members, 3,275 probationers, 280 preachers and 178 churches. See: various Conference Journals.

5. William W. Sweet, Religion on the Frontier: The Baptists, vol. 1 (New York: Henry Holt, 1931), 43.

6. Sangamon Journal, 29 October 1839, quoted from the Cincinnati Journal and Luminary, [n.d.].

7. Ibid.

8. Thomas McAvoy, History of the Catholic Church in America (Notre Dame: University of Notre Dame Press, 1969), 123-162. See: Chapter 6, "The Formation of the Catholic Minority."

9. Sangamon Journal, 24 August 1834.

10. Ibid., 6 December 1834.

11. Western Intelligencer, 2 October 1816, quoted by Daniel Kucera, Church-State Relationships in Education in Illinois (Ph.D. diss., The Catholic University of America, 1955), 18-19.

12. William W. Sweet, American Culture and Religion (Dallas: Southern Methodist University Press, 1951), 99.

13. Minutes of the Rock River Annual Conference of the Methodist Episcopal Church, 1843, 131.

14. Ibid.

15. Ibid., 1844, 134.

16. Sangamon Journal, 12 August 1840.

17. De Tocqueville, 295.

18. Sangamon Journal, April 1837.

19. Ibid., May 1844.

20. Ibid., 30 May 1844.

21. Ibid., 22 March 1834.

22. Ibid.

23. Ibid., 12 April 1834.

24. Journal of the Constitutional Convention of 1818, in the Journal of the Illinois State Historical Society, vol. 6 (October, 1913), 373.

25. Illinois Intelligencer, 12 August 1818.

26. Journal of the Constitutional Convention of 1818, 388.

27. De Tocqueville, 295. This pattern was followed in the Methodist traditions and can be traced in the various Annual Conference Journals of this ante-bellum period.

28. Professor Blair Still lecture at New York University, Fall Semester, 1965. He commented that "four were from South Carolina, seven from North Carolina, two from Georgia, sixteen from Virginia, twenty-three from Kentucky, three from Tennessee, three from Massachusetts, nine from Pennsylvania, ten from New York, one from Connecticut, two from Ireland, and one from Illinois." Thus, forty-eight out of seventy-three legislators had southern backgrounds and twenty-three were from the middle Atlantic states. M. Evangeline Thomas, Nativism in the Old Northwest, 1850-1860, 17. Sister Thomas' list of the birthplaces of Northwest legislators taken from the Census of 1850 also indicated that the southern influence was dominant in all states from 1821 to 1840.

29. Thomas, 14-15.

30. Kurcera, 26.

31. The Western Monthly Magazine, I (May, 1833): 197. Quoted in Kucera, 27.

32. Journal of the Senate of the Ninth General Assembly of the State of Illinois, December 1, 1834 (Vandalia: J.Y. Sawyer, 1835), 337-338.

33. Laws of a Private Nature, Eighth General Assembly, Vandalia, December 3, 1832 - March 2, 1833 (Vandalia: Kaskaskia: R. K. Fleming, 1833), 39.

34. Laws of the State of Illinois Passed by the Eleventh General Assembly, Vandalia, December 3, 1838 (Vandalia: William Walker, 1839), 150.

35. Ibid.

36. Illinois Laws, Private Laws, Eighth General Assembly, 1832-1833, 100.

37. Laws of the State of Illinois, Ninth General Assembly, First Session, December 1, 1834 - February 13, 1835 (Vandalia: J. Y. Sawyer, 1835), 177-180. Peter Cartwright, as both a member of the legislature and a Methodist minister, was particularly active in promoting McKendree College. See: M.H. Chamberlain, "Historical Sketches of McKendree College," Transactions of the Illinois State Historical Society 9 (1904): 328-364.

38. Journal of the Senate of the Twelfth General Assembly of the State of Illinois, December 5, 1836 (Vandalia: William Walters, 1836), 181. See also: Incorporation Laws of the State of Illinois, Tenth General



Assembly, December 5, 1836 - March 7, 1837 (Vandalia: William Walters, 1837), 34.

39. Private Laws of the State of Illinois, Twentieth General Assembly, January 5, 1857 (Springfield: Lanphier and Walker, 1857), 1176. Bushnell College, February 17, 1857. See also: Prairie City Academy, January 30, 1857, 117. An addition was included in this charter: "Nothing in this section or any other section of this corporation shall be so construed as to prohibit the use of the buildings for religious worship or for scientific exhibitions and lectures, if the trustees are in favor thereof."

40. Laws of the State of Illinois, Fourteenth General Assembly, December 2, 1844 (Springfield: Walters and Weber, 1845), 217.

41. Ibid., 112.

42. Ibid., 216.

43. Illinois Laws, Private Laws, Twentieth General Assembly, 1857, 585.

44. Sangamon Journal, 6 December 1834.

45. Lawrence A. Cremin, American Education (New York: Harper and Row, 1970), 116. Cremin provided an excellent overview of American education from 1607 to 1980.

46. Sangamon Journal, 15 March 1832.

47. John Pulliam, "Changing Attitudes Toward Free Public Schools in Illinois, 1825-1860," History of Education Quarterly 7,2 (Summer 1967): 202. Reference to clergymen sponsoring schools include: Peter Cartwright and the Methodist Pleasant Plains Academy, Sangamon Journal, 14 March 1835; Samuel Chase of the Episcopal Church establishing an "English and Classical School" in Springfield, Sangamon Journal, 13 June 1835; J.G. Bergen, Methodist, lecturing on education in the primary schools and calling for a plan for educating the children of Springfield, Sangamon Journal, 22 November 1834.

48. Laws Passed by the Fourth General Assembly of the State of Illinois at Their First Session, Vandalia, November 15, 1824 - January 18, 1825 (Vandalia: Robert Blackwell, 1825), 121.

49. Considered to be the first Baptist missionary in the West, Peck not only fostered educational institutions, such as Shurtleff College, but also was an editor of

religious periodicals and a writer of emigrant guides. See: Rufus Babcock, ed., Memoirs of John Mason Peck, Judge J. Otis Humphrey, "Dr. John Mason Peck and Shurtleff College," Transactions of the Illinois State Historical Society, 12 (1907), 145-163. Coles was also a supporter of education in the state.

50. The Revised Code of Laws of Illinois - Fifth General Assembly, Vandalia, December 1826 - February 19, 1827 (Vandalia: Robert Blackwell, 1827), 365.

51. Sangamon Journal, 2 February 1833.

52. Ibid., 8 December 1832.

53. Ibid., 8 January 1841.

54. Ibid., 9 July 1847.

55. Ibid., 26 October 1833.

56. Ibid.

57. Ibid.

58. Ibid., 14 June 1834 quoted from the Alton Spectator.

59. Ibid.

60. Ibid., 15 November 1834.

61. Ibid., 13 December 1834.

62. Ibid.

63. Ibid., 28 February 1849. The legislature would enact other Common School Bills in 1837, 1841 and 1855. The School Law of 1841 consisted of modifications of the earlier 1837 law and included provisions for the protection and preservation of school lands, punishment of trespassers on school lands, election of a school commissioner to oversee the sale of school lands and the distribution of funds, and procedures for establishing school houses. The School Law approved by the legislature on February 15, 1855 represented a major advancement in the establishment of the common school system supported by public funds favorable to many in the state. School board directors were to be created to supervise public education in their districts, and in an attempt to centralize control, all private schools, including those sponsored by denominational societies, were to submit to the control of these school directors or

forfeit public funds. Sangamon Journal, 26 February 1841 and 22 October 1841; Laws of the State of Illinois Passed by the Nineteenth General Assembly convened January 1, 1855 (Springfield: Lanphier and Walker, 1855), 51-91. See: "An Act to Establish and Maintain a System of Free Schools."

64. Minutes of the Rock River Annual Conference of the Methodist Episcopal Church (Chicago: R.L. and C.L. Wilson and Company, 1858), 23.

65. Representative comments by Protestant bodies of their concern with retaining dominant influence in the common schools of the state would include the statement of the Committee of Education of the Southern Illinois Annual Conference of the Methodist Episcopal Church that it ". . . would heartily condemn the efforts of the Romish hierarchy of this country to overthrow our common school system and to substitute in its place the Jesuitical school of that hierarchy." The Committee also stated that it ". . . would deeply deplore and utterly condemn the efforts of the enemies of the Bible to exclude the Bible from the common schools and thus leave our common schools without a text book of morals and virtually banishing all moral teaching from the common schools." The Conference itself resolved: "That we heartily commend the provision of our new State constitution [1870] which prohibits the common school fund from being applied to sectarian or denominational schools, and that we set our faces as a flint against the efforts of the Romish hierarchy to overthrow our common school system." The Southern Illinois Annual Conference of the Methodist Episcopal Church, 1870, 29-30. It was a common theme among Protestant bodies to regard the common school system as "a bulwark against foreign superstition and priestcraft." Ruth Miller Elson, Guardians of Tradition: American Schoolbooks of the Nineteenth Century (Lincoln: University of Nebraska Press, 1964), 47. Elson study of school books in 19th century America also revealed the predominance of Protestant ideology and negative sentiments toward Catholics: "In this period true religion is patently Protestantism. Catholicism is depicted not only as a false religion, but as a positive danger to the state; it subverts good government, sound morals, and education. Condemnation is usually vociferous when dealing directly with the Roman Catholic religion, and in the treatment of Catholic countries as well. From the 1870's to the end of the century such harsh condemnation is softened, but it is continuously violent up to that time, heightened a bit, perhaps, during the period of nativism."

66. General Laws of the State of Illinois Passed by the Seventeenth General Assembly, January 6, 1851, Private Laws (Springfield: Lanphier and Walker, 1851), 321.

67. John Pulliam, "Changing Attitudes Toward Free Public Schools in Illinois, 1825-1860," History of Education Quarterly 7, 2 (Summer 1967): 193-194. For the text of the School Law of 1855, see: Laws of Illinois, Nineteenth General Assembly, 1855, 51-99.

68. David B. Tyack, The One Best System: A History of American Urban Education (Cambridge: Harvard University Press, 1974), 74.

69. Annual Minutes of the Illinois Conference of the Methodist Episcopal Church for the year 1852 (Springfield: Capital Enterprise Print.), 1852. See: "Missionary Report," 1852, 14-15.

70. Lewis J. Sherrill, Presbyterian Parochial Schools 1846-1870 (New Haven: Yale University Press, 1932), 74.

71. Journal of the Annual Convention of the Protestant Episcopal Church in the Diocese of Illinois, 1839, 8.

72. Walter H. Beck, Lutheran Elementary Schools in the United States: A History of the Development of Parochial Schools and Synodical Education Policies and Programs (St. Louis: Concordia Publishing House, 1965), 112.

73. Annual Minutes of the Illinois Conference of the Methodist Episcopal Church for the Year 1852 (Springfield: Capital Enterprise Printing, 1852), 14-15. See: "Missionary Report," 1852.

74. Ray Allen Billington, The Protestant Crusade, 1800-1860 (New York: The Macmillan Company, 1838), 31. Sangamon Journal, 6 January 1848, reported "within the United States there are three Catholic Archbishops, 24 Bishops, 890 Priests and 907 churches."

75. Sangamon Journal, 2 January 1845. "Native Americanism, No. 11," quoted from the New York Tribune.

76. Ibid., 24 October 1849.

77. Ibid., 30 July 1836. Article on the alleged attempt of Martin Van Buren to court the Catholic vote and signed by "a lover of civil and religious freedom."

78. Lyman Beecher, A Plea for the West (Cincinnati: Truman and Smith, 1835), 63, 128. Beecher spoke for many Protestants in the state when he said that "the religious and political destiny of our nation is to be decided in the West." See: 12. As well as his view that he did not have any objection to Catholics as another denomination of

Christians but objected "to their alliance with political powers of Europe and how this represents a threat to American republican institutions and traditions . . . . If [Catholics] believed in the rights and duties of universal education, of free inquiry, of reading and understanding the Bible, and in the liberty and equality of all religious denominations, and that they are accountable only to God and the laws of the land, it is well." See: 84-85. He also added: "Whether Catholics are pious or learned, is not the question; but what are the republican tendencies of their system?" See: 87.

79. Minutes of the Wisconsin Annual Conference of the Methodist Episcopal Church (Milwaukee: Jermain and Brightman, 1868), 34.

80. Elson, Guardians of Tradition, 47, 53.

81. Minutes of the Wisconsin Annual Conference of the Methodist Episcopal Church, 1863 (Milwaukee: Jermain and Brightman, 1863), 26.

82. Minutes of the Detroit Annual Conference of the Methodist Episcopal Church, 1857 (Detroit: Wilbur F. Storey, Printer, 1857), 25.

83. Minutes of the Michigan Annual Conference of the Methodist Episcopal Church, 1869 (Detroit: J.M. Arnold and Company, 1869), 24. See also: Elson, 51.

84. Journal and Minutes of the Nineteenth Session of the Southern Illinois Conference of the Methodist Episcopal Church (St. Louis: R. P. Studley and Company, 1870), 30.

85. Minutes of the Illinois Conference of the Methodist Episcopal Church for the Year 1866 (Springfield: Illinois State Journal Steam Print., 1866), 17.

86. Minutes of the Detroit Annual Conference of the Methodist Episcopal Church (O.S. Gulley, 1864), 9.

87. Annual Minutes of the Illinois Conference of the Methodist Episcopal Church for the Year 1854 (Springfield: Capital Enterprise Company, 1854), 19.

88. Minutes of the Michigan Annual Conference of the Methodist Episcopal Church (Detroit: J.M. Arnold and Company, 1876), 33.

89. Ibid., 1869, 23.

90. Ibid., 1877, 44.

91. Minutes of the South-Eastern Indiana Conference of the Methodist Episcopal Church, 1856-1857 (Cincinnati: R.P. Thompson Printer, Methodist Book Concern, 1857), 28-29. See also: Illinois Laws, Private Laws, Twentieth General Assembly, 1857, 278. For the "Examination and Qualification of Teachers."

92. Minutes of the Fortieth Session of the Illinois Annual Conference of the Methodist Episcopal Church, 1863 (Chicago: Charles Philbrick, Printer, 1863), 19.

93. Elson, 51. This study on the national values and traditions which were promulgated in the various school books utilized in the 19th century is invaluable for revealing the overwhelming Protestant ideological influences in the American common or public school system. See: Chapter 3, "God and Man," 41-62.

## CHAPTER IV

### LEGISLATIVE ACTS IN SUPPORT OF RELIGION AND RELIGIOUS SOCIETIES AS A MANIFESTATION OF REPUBLICAN SENTIMENTS

In adopting policies designed to promote religion, morality and education after the American Revolution, various state legislatures enacted statutes to provide for the legal incorporation of religious bodies. In receiving the rights and privileges of incorporation, these groups were afforded significant forms of assistance and protection. Criticisms would be directed, however, toward many of the provisions enacted by these governing bodies. Catholics, in particular, charged that the legislation adopted favored Protestant institutions. Their accusation was specifically based on the almost universal requirement that a lay trustee provision be included in the charters calling for the incorporation of religious societies.

Strictly speaking, lay trusteeship was the arrangement whereby elected trustees, usually laymen, rather than clergy representatives, controlled church property and the revenue accruing from it. In most ante-bellum states, this was the only method whereby church property could be held; other states allowed property titles to be transferred to bishops

or church officials. The major difference between these two legal patterns was that in regard to the former, laymen could defy bishops and the church hierarchy for they were protected by state law in respect to governance and the control of church property.

From the post-Revolutionary decades to approximately 1820, many Catholics adopted the same general lay trusteeship pattern as followed by Protestant and other religious groups in establishing religious centers. The initial movement toward the adoption of the lay trustee system by Roman Catholic parishes has been traced to the 1780's and the urban centers of New York and Philadelphia, as well as to the frontier settlements in Kentucky and Indiana. These Catholic communities, lacking adequate numbers of priests, would join together to form religious societies, elect leaders, purchase land for churches, and assume responsibilities for the future of Catholicism in their respective areas. They eventually incorporated themselves under laws enacted by various state legislatures, whereby church property was vested in the incorporated body and control over such property was lodged in trustees elected from the corporate body. In addition to the shortage of priests, other conditions accounted for the emergence of the lay trustee system, including the desire of various immigrant groups of maintaining their national and ethnic consciousness and the European precedents associated



with Protestantism.<sup>1</sup>

The primary reason for adopting the lay trustee system was that these immigrant churches had little legal property protection. The fact that their parishes were not recognized in law meant that they could not incorporate and, thereby, protect the physical properties of their congregations. This did not create much of a problem in regard to the congregational pattern of Protestantism, or even in other branches of American Protestantism, because church control over governing and property was usually in the hands of lay trustees who could seek legal incorporation. The American Protestant situation undoubtedly inclined Catholics to adopt the form of lay trustees in order to secure similar protection.<sup>2</sup>

However, not all Catholics were pleased with this system of incorporation, especially, the Catholic hierarchy whose dissatisfaction with the lay trusteeship increased with time. They complained that this system was not applicable to the Catholic Church and that it was fraught with problems. Of particular concern to church authorities were the controversies and schisms which arose in this ante-bellum period from the various ethnic and national groups seeking control over their American parishes. The most explosive issue which developed among these factions concerned the question of who had the ultimate authority over priests: the lay trustees who paid their salaries, or

the bishops who exercised spiritual authorization over them?<sup>3</sup> Catholic leadership would attempt to demonstrate that its religious institution differed completely in its structure from other religious organizations in the country. They regarded the attempt of state legislatures, like that of Illinois, to treat all religious organizations alike by forcing them to conform to one procedure, to be inequitable. It was their position that the Catholic system, based on Canon Law and the principle that power descends from the hierarchy above, meant that the laity, including all lay trustees, were subject to institutional supervision and council. However, such conformity to authority from above was not followed initially in many American Catholic churches. This was one of the reasons that the Catholic hierarchy looked upon the trusteeship system as impracticable and as a menace to the progress of the church.<sup>4</sup> These Catholic officials complained of the "evils" which had been introduced into the church due to this system of lay trustees. They were particularly disturbed by the insistence of some lay trustees that they had the right to dismiss priests from their parishes and others who affirmed that they could entirely exclude priests and bishops from any share in the administration of church goods or property.<sup>5</sup> Such views were regarded by the Catholic hierarchy as direct threats to ecclesiastical control and the cause of serious divisions within the church.

The Chicago Democrat provided an example of the divisive impact lay trusteeship had within the Catholic system:

A difficulty has existed between the trustees of the Catholic Church in Newport, Ky., and the bishop, growing out of the latter having a school-house built on a church lot without the consent of the former. The trustees applied for an injunction, which was granted today by the Court, the Judge deciding that the bishop had a right to appoint the trustees of the church, and to use the ground for church purposes only.<sup>6</sup>

Bishop John England, one of the most influential Catholics leaders in the nation and a spokesman for a liberal and constitutional American church tradition, commented in 1829 on what he considered to be the dangers inherent in the lay trusteeship system operating within the church:

Where the society makes no constitutions or does not adopt any special regulations, but merely has persons chosen as trustees to manage its concerns, without any special restrictions; these trustees have the power to make all regulations and to change them as they may think proper, during the term for which they have been chosen. Thus there may be trustees with limited powers in the same churches, and in others their powers may be altogether undefined.<sup>7</sup>

He also advanced the following four rules on trustees:

(1) to choose only upright and honest men as trustees; (2) to limit the power of the trustees so that they could not refuse the rightly appointed pastor; (3) to see that pastors were independent of the trustees in the administration of their ministry; and (4) that the trustees must be of the same mind as the Bishop in these matters.<sup>8</sup>

This congregational polity or system of lay trustees, based on church facilities many times actually built by the laymen themselves, squared with the predominant republican

ideology of the ante-bellum period which called, in part, for lay involvement and governance. This application of republican principles to the ecclesiastical as well as the political sphere was also generally considered to be appropriate in a land where people proclaimed religious liberty.<sup>9</sup> And, this mode of managing church property, placing church control in local hands, seemed logically to follow from the post-Revolutionary American experience which increasingly emphasized democratization.<sup>10</sup>

While Catholic authorities complained of problems with lay trustees and "the evils of excessive American republicanism," American Catholics, in their desire to be free and independent of all foreign jurisdiction and controls, except for a "spiritual connection with the Pope," adopted to a significant degree the influence of republicanism which had been unleashed by the American Revolution.<sup>11</sup> These lay persons came to embrace the fundamental ideals of freedom of conscience, along with its corollary religious toleration, and the separation of church and state.<sup>12</sup> Thus, the lay-trustee system, a republican concept, was an example of how American Catholics initially adapted their church system to the American republican ethos.<sup>13</sup>

Nativistic sentiments were also linked to this trusteeship system. The xenophobic advocates of the 1840's and 1850's sought to deprive Catholic authorities of as much

power and influence as possible by urging the adoption of legislation which promoted lay trusteeship. These individuals viewed the Catholic position on hierarchy and discipline to be un-American and a danger to republican values. They cloaked their intolerant views of non-Protestants and the foreign-born in general in the advocacy of the rights of the people against threats from authoritarianism. Nativists wanted legislation to take the administration of property out of the hands of the bishops and place it in the hands of the laity. Some nativists hoped that by this means they would convert Catholics into true Presbyterians.<sup>14</sup> In responding in part to the pressures from nativists to Americanize, many foreign-born Catholic parishes adopted this form of incorporation. Consequently, the church hierarchy would view "trusteeship" to be the "pit into which both the Irish and Germans fell," in their struggle against Catholic authoritarianism.<sup>15</sup>

Indicative of an Illinois reaction, in April of 1855, the Chicago Democrat commented on the passage of a New York bill promoting trusteeship and which reflected nativistic sentiments:

A bill which has attracted a good deal of attention, and excited much discussion was passed into a law by the New York legislature, at its recent session. Its ostensible object is to place all religious denominations in regard to the holding of property for church or other purposes on a footing of equality.

It declares all future conveyance to Priests, Bishops and other ecclesiastics in their official character or as corporation sole void. It also declares void all

future conveyances of lands consecrated to religious purposes, unless made to a religious corporation, organized in conformity to the statutes of the state, which require such corporations to consist of at least three Trustees, and not to have an annual revenue of more than \$3,000, excepting the Minister, Elders and Deacons of the Reformed Protestant Dutch Church of New York; the Rector, Church Wardens and Vestrymen of Trinity Church, New York; and the Minister, Elders and Deacons of the First Presbyterian Church, of New York.<sup>16</sup>

The newspaper questioned the intent and fairness of this legislative action and suggested that anti-Catholic or nativistic factors were involved: "The exceptions in the bill are in opposition to the principle contended for by its advocates, and give it the appearance of inconsistency, and of having other objects in view than those shown on its face."<sup>17</sup> A similar Michigan bill mandating a trustee system had been passed earlier in March of 1855:

It provides that all church property shall vest and descend, with the improvements, in perpetual succession to, and shall be held by, the trustees provided in the act, in trust for such church, congregation or society. And also that no bishop, vicar, rector, parson, curate, priest, deacon, or other officer of any church, religious body, order, society, or association; no superior, or other officer or member, male or female, of any religious order, ecclesiastical or lay, nor of any ecclesiastical, educational or charitable institution or establishment shall, in consequence of such office or membership, or in the character or capacity of such officer or member, have, possess, or exercise any power, capacity or franchise of a corporation sole, so far as relates to the taking, holding, managing, selling or transmitting property, and every gift, grant, devise, bequest, conveyance or lease of any real estate.<sup>18</sup>

This press only commented that the law was general and applied to all religious denominations alike.<sup>19</sup>

In short, Catholic leadership in America during these

ante-bellum years sought to procure from the legislature an adequate system of incorporation of church property. They insisted that the church hierarchy owned all the temporalities that were required for divine worship and rejected the Protestant notion that the parishioners were the owners of the parish church and property. They would seek provisions giving ecclesiastics a preponderant place on the boards of trustees and giving to them the nomination of all lay trustees.<sup>20</sup> Most importantly, they would seek from the Illinois legislature provisions to make bishops corporation sole, a statute first introduced by the Maine legislature in 1821.<sup>21</sup> This meant that Bishops became legally responsible for church property and governance in the parishes under their jurisdictions. This would be achieved in Illinois by a special law passed by the legislature in 1845, and subsequently amended in 1861, which made the Bishop of Chicago a corporation sole.<sup>22</sup>

During the earliest decades of Illinois statehood, when Catholics were numerically insignificant and lacking representatives of their religious persuasion in the legislature, it is understandable that the principle of lay trusteeship, a Protestant practice, would be adopted.<sup>23</sup> However, in the later decades, i.e., the 1830's and 1840's, when Catholics represented a much more significant concentration of the state's population, the legislature would be under increased pressure by church authorities to

grant other types of religious incorporation.

The attempt to extend incorporation rights to religious societies in Illinois was not at first overwhelmingly embraced by the legislature. In 1825, when the bill to incorporate religious societies was first introduced in the House of Representatives by John Russel of Bond County, the primary criticisms raised were concerns for religious liberty based on the fear that such incorporations represented a step toward the re-enactment of lawful church establishments and reflected a widespread prejudice against the incorporation of any religious body.

Russel attempted to address these criticisms in an article in the Illinois Intelligencer, December 9, 1825.<sup>24</sup> He maintained that there was absolutely no basis for the charges that his bill "was a mere entering wedge, to let in a religion established by law and that the people would eventually be taxed to support the Church of the state." He argued that the "great variety of religious sects within our state" and their "inability to agree that any one sect should predominate, due to their mutual fears, partialities and jealousies, would make them the last persons to consent to a religion established by law." "When we reflect," he continued, "how small a portion of the whole population are found within the pale of the church, the utter impossibility of establishing by law any religion, appears manifest." Quoting the religious freedom guarantees in the Illinois and



United States Constitutions, he attempted to demonstrate that the state and national legislatures did not have the right to pass any law establishing a religion.<sup>25</sup>

Russel next summarized the content of his bill: section one, stated that in order to be eligible for incorporation, a society would have to have at least fifteen members, and were to give at least ten days notice before holding a meeting for this purpose. Section two, declared that when the religious society was assembled, it may proceed to elect by ballot three trustees, and one clerk, who shall hold office for one year, or until others were elected. Further, the society was to be given a name, to be recorded in the county office in a book kept for that purpose and that the recorder was to give the society a certificate. Section three, the elected trustees were to take an oath or affirmation that they would faithfully discharge their duties and following they were to constitute "a body corporate in law with perpetual succession and full power to do all and every act necessary for a body corporate." As such, these trustees were authorized to hold property on which to erect a house of worship and a burying ground, limited to ten acres. Section four, allowed the trustees to sue and be sued and to have full authority to make contracts, rules and by-laws for the government of the corporation "not inconsistent with the laws of the land." Russel stated that this legislation was "necessary, safe and

proper for the community" and "not an insidious thrust at our liberties." He asked: "What are the mighty objects of this bill?"

To enable a congregation to buy land enough to erect thereon a convenient house for the worship of God, and to have a suitable place for the interment of the dead, and to secure the peaceable possession and permanent enjoyment of this property to the congregation. Is not this right?

Without this right of incorporation, he maintained, religious societies face the continuing problem of securing their property which was often lost due to the death of trustees:

For if land be granted to erect a church upon, there is no legal way of continuing the property to any other persons for the same purposes, but by an incorporation; for if you make a conveyance to six persons (not incorporated) for this purpose, the society would enjoy the land during the lives of the grantees, but would lose it at their death, unless they, during life, conveyed it to other persons for the same purpose; and so to secure a meeting house to the society who builds and uses it at their own expense, they must be at the trouble of perpetual conveyances, and great charges, as well as risk, or lease it, at the death of the grantees.

But by an incorporation, one conveyance transmits the title forever to the society. It being a rule that corporations never die.

He added that such incorporations would be a benefit to the greater community for religious societies would be encouraged to "erect good houses for the purpose, to the great improvement of the country." Russel concluded by stating that the incorporation of religious societies conformed to republican principles: Societies would not be forced to incorporate, "for nothing is compulsory . . . ,

such a corporation would not be clothed with powers which could be considered dangerous," and would remain under the control of the legislature:

Should such a corporation ever abuse their corporate powers, the entire legislative control, which the bill proposes to retain, would be an ample corrective. Such a law, it is conceived, could never be dangerous to the liberties of a free people.

The powers of such a corporation would be limited to the precise objects enumerated in the bill, for as a corporation with us is the mere creature of a statute, it can never exercise powers not delegated by the law which creates it.

He commented that if the principles of this bill were correct, and a general law was passed on the subject, it would render unnecessary the requirement for each religious society to apply separately for an act of incorporation. Russel concluded by expressing his republican sentiments that the promotion of religion was good for society: "I disclaim any personal interest in this matter, other than the feeling which is common to all citizens of the state, who seek to improve our social conditions . . . [and] to the ordeal of public opinion, I fearlessly submit myself."<sup>26</sup>

After a ten year delay, a bill which embraced the principles of lay trustees was enacted into law on March 1, 1835.<sup>27</sup> This bill would also be criticized and viewed with suspicion, not so much out of fearing the re-enactments of religious establishments as with the principle and operation of the lay trustee system itself. Although Russel had insisted that his bill "was not designed, as supposed, to

favor any particular religion, much less to establish a religion," the legislature, by basing the incorporation of religious societies on the predominant national pattern of a system of lay trustees, was in fact following a Protestant model of governance and was interpreted by some to indicate a definite bias.

In the preface to this bill, the legislature commented that it had in the past received "frequent petitions from various religious societies" asking for incorporation but that it had refused to approve any form of individual or special legislation for such use.<sup>28</sup> In justifying its previous position, this governmental body stated: "if said acts of incorporation were granted, it would lead to an endless system of partial legislation," and its position was that "all religious societies, of every denomination, should receive equal protection and encouragement from the legislature, and no one society be granted exclusive privileges."<sup>29</sup>

The new law, although not unique to Illinois, set forth a uniform statute allowing religious societies to incorporate. Thus, after 1835, any society or congregation formed in the state for the purpose of religious worship would be granted the right of incorporation. Further, each society, so incorporated, would be permitted to receive or purchase up to five acres of land for buildings, to sell or dispose of the same, and to elect up to ten trustees. All

property was to be invested in these trustees. And, they were to forward a certificate, "verified by an affidavit," to the recorder of the county in which the society was formed "stating the date of their election or appointment, the name of the society or congregation, and the length of time for which they were elected or appointed."<sup>30</sup> An amendment was added to this incorporation bill on March 2, 1839 which permitted religious societies to hold real estate "not to exceed forty acres for the purpose of camp meeting grounds and the lots necessary for the same."<sup>31</sup>

In subsequent years the legislature extended a variety of additional benefits to denominational societies operating within the state. For example, the provision concerning the amount of land "for erecting houses of worship" that religious societies were authorized to hold was enlarged in 1845 from five to ten acres.<sup>32</sup> Further, the original statute of 1845 was amended in 1855 to allow the "officers of any such religious society, of whatever name or title, whose duties correspond with that of trustees, to be authorized to make such certificate for records."<sup>33</sup>

On February 27, 1857, the General Assembly enlarged the financial prerogatives of trustees by granting them the right to give mortgages and deeds of trust on the property held by their groups.<sup>34</sup>

A more general statute of incorporation was approved by the legislature on February 26, 1859. This bill was

designed to include a wide variety of societies, namely, "benevolent, charitable, educational, literary, musical, scientific and religious and missionary. Societies formed for "Mutual Improvement" or for the "Promotion of the Arts" were also included in this statute. Previously incorporated religious societies were at this time given the option to reincorporate under the more liberal provisions of this bill, if they so chose."<sup>35</sup>

The "Revised Statute of 1845" was again amended on February 20, 1863 in order that its provisions be extended "to members of societies heretofore or hereafter to be formed for the purpose of establishing and maintaining private schools for religious purposes."<sup>36</sup> Again, reflecting a sensitivity to church-state relations, the legislature included the proviso that this act was not to be construed as conferring any special privileges or benefits to these societies under the state School Law.<sup>37</sup> Nevertheless, this governing body did in fact offer benefits to religious societies by allowing their respective trustees to draw on the Common School Fund in the form of student tuition reimbursements.<sup>38</sup>

The Illinois General Assembly offered further benefits to religious societies in addition to extending incorporation rights. Although it is extremely difficult to determine the exact extent of this governmental assistance, the various official reports of the legislative sessions

provide ample evidence to its existence. Some of the most striking examples of the supportive role of the state legislature to various religious and benevolent societies was evident in the legislative practices of allowing the use of public buildings and the offering of financial donations, land grants and leases.

Most evident during the earliest period of state development before 1840 and continuing to a lesser degree through the 1860's, these practices reflected the governmental interest in furthering the religious and moral development of the general population. For example, a Methodist society conducted worship services in the building which housed the General Assembly and the State Bank. A Senate committee reporting on the physical conditions of this building in 1836, mentioned this association of church and state. The Committee stated:

. . . that sometime during the past summer, the walls of the old building . . . were observed to be cracked in several places, and that the whole building which had been materially weakened by former repairs, became suddenly so dilapidated that the Methodist body who had been accustomed to assembly there for the purpose of worship were compelled, from its hazardous state, to abandon it.<sup>39</sup>

Based on this report, "proved by the testimony of respectable members of that body," it seems probable that this Methodist society had been conducting religious services in the State House for an extended period of time, perhaps many years.<sup>40</sup> The Congregationalists were reported to be using the chambers of the House of Representatives in

the old Capital building for their worship services from May 16, 1867 until December 10, 1868.<sup>41</sup> The private use of public buildings by religious, benevolent and educational societies was not uncommon particularly in the early settlement period of Illinois history.<sup>42</sup> Reflecting frontier conditions, new and emerging societies without meeting places would approach public authorities with established buildings for temporary housing.

However, there were much more substantive forms of state assistance than allowing the use of public buildings by private religious groups. Acting under the provisions of a general educational statute, which provided that grants of land be allotted "for the encouragement of education and for other purposes," the legislature during these ante-bellum years provided other benefits.<sup>43</sup> The legislative record does not provide a detailed account of the magnitude of these modes of assistance. Nevertheless, ample references are available to indicate that financial donations, land grants and land leases represented significant forms of benefits. Some indication that the legislature had an inclination of supporting religious societies was reflected in its statement included in college and seminary of learning charters of incorporation. The provision read: ". . . should the state make a donation of money or land."<sup>44</sup> It would appear that if the state was not in the practice of providing positive support to these groups, this



statement would not have been included.<sup>45</sup>

An early reference to the conveying or leasing of land to religious societies was in 1821. At this time, the legislature approved a petition of Cumberland Presbyterians to lease portions of the state school lands (Section 16 of each township or county) on which their meeting house and school had been previously built. The General Assembly approved a ninety-nine year lease on five acres "for the use of these Presbyterians and for use of the school in the township."<sup>46</sup> A further provision was included that "divine services were approved in the building during the time of the lease."<sup>47</sup> Reflecting the principle of the separation of church and state, there was a provision that "there shall never be given any preference to one sect or people over another in said school" and "that the school was to be under the direction of the township trustees."<sup>48</sup> In 1826, the Richland Baptist Church of Sangamon County also petitioned the General Assembly for three acres of "lands located for Seminary purposes" for the building a meeting house and promised that they would "promote the spread of the Gospel and good of society without prejudice to the rights of community or of individuals."<sup>49</sup>

Additional documentation that the state government authorized land grants to religious societies for the construction of meeting houses or churches can be found in the year 1831. The legislative record mentioned that a land

grant had been conveyed for "a house of divine worship" without giving any details, except that it was "not to exceed ten acres."<sup>50</sup> Also in 1831, the legislature resolved, possibly reflecting problems which had developed due to the misuse of state appropriations, that all grants of land, whether from the state or private donations, be limited to the provisions as set forth in the original purposes. It ruled: "that all gifts and grants heretofore made of land for the erection of school-houses, a house of divine worship, and for the burying of the dead, where such gift or grant of land shall not exceed ten acres for a church or burying-ground, will be held valid in law to the use of the person or persons or religious society, therein named, for the purpose of education, for divine worship, or for the interment of the dead, and none other."<sup>51</sup> The legislature also stipulated that these grants were to be recorded in the county where "the lands lie" within a year from the passage of this act and emphasized that a definite limitation of ten acres would apply.<sup>52</sup> Other references to state land grants for "A House of Divine Worship, not to exceed 10 acres" were found in the legislative records for the years 1832 and 1835.<sup>53</sup>

Another pattern of land distribution to religious societies was revealed in 1840. The General Assembly authorized the Commissioners of the Illinois and Michigan Canal to grant land to the Unitarian Society of Chicago,

"the lots to be vested in the society."<sup>54</sup>

The same pattern was evident in 1842 when the Wayne County trustees were authorized by the legislature to transfer land to the Methodist Episcopal Church, "a certain lot adjoining the town of Fairfield, known as the Parsonage."<sup>55</sup> Other land grants to religious societies "to encourage education" were allocated by the state without giving any details.<sup>56</sup> In 1845, the legislature approved "An Act to provide for the donation of lots, in towns situated on canal lands to public purposes," which allowed religious societies which had received lots through state grants or donations "to erect a parsonage and school-house upon such lot, and to use such parts thereof as may not be immediately occupied by the house of worship, for such parsonage, school-house and garden, and yard connected therewith."<sup>57</sup> During this same year, the legislature also expanded the provision concerning the amount of land "for erecting houses of worship" that religious societies were authorized to hold from five to ten acres.<sup>58</sup>

A further indication that the state was interested in helping religious societies by dispensing privileges and benefits was evident from the inclusion of an additional provision to this 1845 Act that these groups were to be granted the right to lease to other parties property received from the government as well.

That any such religious society, which finds it more convenient to occupy for worship some other lot or

building until the said society is able to erect a suitable house of worship upon such lot so donated or granted as aforesaid, shall have the right to lease the said lot to any person or persons, to be occupied as the lessee or lessees shall desire, until such time as such society may be able to build thereon.<sup>59</sup>

The only limitation included was that "the rents received therefrom shall be expended in improving said lot, or for the purposes of said society."<sup>60</sup>

The privileges extended to religious societies were greatly enlarged in 1859 when the legislature voted to permit those receiving canal lands "to mortgage such lots to secure payment of loans or debts contracted by such society or congregation for religious purposes, or for loans to pay any assessments made upon such lots by any city or town for opening or improving streets . . . ."<sup>61</sup> The state legislature was undoubtedly referring to both those parcels of land which it had authorized the Commissioners of the Illinois and Michigan Canal Company to grant to religious societies and well as those purchased directly.

State officials were also known to respond to public pressure to grant land for religious purposes. For example, after a group of citizens had petitioned the trustees of the Town of Metropolis, in Massac County, in 1853 to grant land to the Methodist Church for the building of a sanctuary, the General Assembly, after authorizing the grant, instructed:

. . . that the trustees of the said town be authorized and empowered to convey, by deed, in fee simple or otherwise, the said lots No. 407 and 408, in block 33, in said town, to the said trustees of the Methodist Episcopal Church, and to their successors in office, for

the purpose of erecting thereon a house of public worship.<sup>62</sup>

Thus, during these early years of the nineteenth century, the legislature provided some token support to religious societies. State subsidies, mostly of land, helped these groups get established. By providing access to capital accumulation through the issuing of mortgages and deeds of trust, the state was in effect underwriting the building of religious sanctuaries and other capital improvements, as well as contributing to the expansion of the religious missions of these societies.

Finally, the legislature revealed its interest in the promotion of religion and religious societies by authorizing the incorporation of a private nondenominational "committee" in 1853 whose avowed purpose was to "aid in the erection of church edifices" in the new communities of northern Illinois and southern Wisconsin. These "benevolent persons" sought to create a fund to be loaned or donated "for the erection of church edifices only" in communities deficient of adequate financial resources for this purpose.<sup>63</sup>

State laws were also enacted in early Illinois history to protect the real estate property held by religious societies as well. Under the provisions in the law for "trespass," persons were to be fined \$8.00 for every ". . . tree" they "cut, felled, boxed, bored, or destroyed growing on lands intended for the use and support of schools, or the use and support of religion."<sup>64</sup>

Tax exemptions afforded to religious societies by the state provided an indirect and fairly common form of financial assistance. In this respect, the government of Illinois was following a previously established national pattern adopted by all the states formed by the mid-nineteenth century. This mode of assistance represented a method by which the legislature could serve the general public morality by providing tax advantages to groups involved in the areas of religion, education and charity. Meeting-houses, churches and camp-meeting grounds were exempt, as well as, burying grounds and church yards within the acreage limitation established by law.<sup>65</sup>

Tax exemption privileges of religious societies were also extended to personal property. As exemplified by the state statute of 1845:

. . . every building erected for religious worship, the pews and furniture within the same, and the land whereon such building is situated, not exceeding ten acres; also every burial ground not exceeding ten acres, or such quantity as in any case may have heretobeen exempted by law. Provided, that such personal or real property shall not be exempt from taxation longer than the same is so used.<sup>66</sup>

In 1854, the legislature clarified that the lands leased, sold or from which religious societies received a profit were not to be tax exempt.<sup>67</sup> However, schools sponsored by these groups and which received outside income on land investments continued to receive support from the state. For instance, it was ruled in 1845 that such limitations did not extend to "leasehold estates of real property held under

the authority of any college or university of learning."<sup>68</sup>

Although willing to grant to religious societies a tax exemption status, the General Assembly denied requests for other types of religious exemptions. For example, the Reverend James Wallace, representing the Reformed Presbyterians of Randolph and Washington Counties, petitioned "to be relieved from serving on juries and from paying the usual fines for non-attendance," charging that such actions violated their rights of conscience.<sup>69</sup> The petitioners based their request on the fact that "the existence of God is not recognized as the source of civil rule in the national constitution, and because His law is not acknowledged as the supreme law of the land." As long as this was the case, they maintained that they could not be incorporated into the national society or body politic.

They allege that they cannot be compelled into citizenship; that as they do not enjoy nor ask the privileges thereby conferred - as the form of their ecclesiastical constitution and principles of faith forbid, and as they make it a matter of conscience not to perform duties required of them by this government, which they consider inconsistent with their religious belief.<sup>70</sup>

The Committee on the Judiciary, charged with making recommendations in this matter, stated that they "knew the petitioners to be men of great moral worth . . . no doubt sincerely and religiously believing that they ought to do no act acknowledging the laws which they objected to . . . ." Nevertheless, they "do not see that the legislature can, upon principle, grant the indulgences asked for in this

case." Their rationale was that the petitioners benefit from the laws of the state and that "they are as much under obligations of obedience as others."

They live in the most free government in the world - one which established no Church by law; which prefers no religious sect; which exacts no forced or unwilling service of the Almighty; and which leaves every man to devote himself to religion according to the dictates of his conscience.

The Committee therefore recommended that these Presbyterians "if they cannot conform to those laws, at least pay the compensation exacted by them.":

If we grant relief now, then, according to no principle of just legislation, can we deny others who ask under similar pretenses? Suppose a sect to exist who should make it a matter of conscience to have a religious test, or to have a church established by law, a thing by no means impossible - would they not be entitled to relief?

Thus, denying the authority of the legislature "to meddle with matters of religion," the Committee concluded:

It is our only proper sphere to make laws for civil government, universal in their application, and operating equally upon all, and to let religion alone. We can give no one sect a preference over another without violating these principles, which we deem sacred and fundamental in a free and just government.<sup>71</sup>

Following, the members of the legislature, concurring with the recommendations of this Committee, rejected this petition to extend the categories of religious exemptions to cover citizen jury obligations.

An additional source of support from the General Assembly came in the form of allowing religious societies with school facilities to take advantage of funding subsidies drawn from the Common School Fund. Private school



facilities without any religious affiliations also received similar benefits. This fund was a product of the federal land policies included in the North West Ordinance of 1785 and in combination with the state of Illinois Act of 1818 "to encourage learning" by underwriting education through the sale of public lands.<sup>72</sup> The provision of the national act called for the sixteenth section of each township or county to be reserved for the benefit of education. Money raised by the state from the sale, lease or rental of this acreage was to be deposited in a special, general school fund and to be used to support the development of schools, colleges and seminaries of learning [academies] throughout the state.<sup>73</sup> This support represented a significant source of revenue and undoubtedly fostered enrollment and retention, thereby contributing to the overall financial stability of these institutions.<sup>74</sup>

Prior to launching its own common school program in 1825 and continuing to a lesser degree throughout the pre-Civil War era, the state offered subsidies, drawn from this school fund to various educational facilities, including those sponsored by religious societies. In effect, these private schools were acting as common schools in the counties where none had as yet been founded or where they were inadequate to serve the student populations. According to the principles stated in the "Act Providing for the Establishment of Free Schools," it was not inconsistent

for the legislature to support private schools and those sponsored by various denominational groups in the state. For it was stated in this document "that the mind of every citizen in a republic is the common property of society, and constitutes its basic strength and happiness: it is therefore considered the peculiar duty of a free government like ours to encourage and extend the improvement and cultivation of the intellectual energies of the whole."<sup>75</sup> Thus, the state legislature took the republican position in general on religion and education that sectarian disputes and preferences were to have no place in the schools and that support of nondenominational religion was vital to the country's survival:

The Republican style in American education was compounded of four fundamental beliefs: that education was crucial to the vitality of the Republic, that a proper republican education consisted of the diffusion of knowledge, the nurturance of virtue (including patriotic civility), and the cultivation of learning; that, schools and colleges were the best agencies for providing a proper republican education on the scale required; and that the most effective means of obtaining the prerequisite number and kind of schools and colleges was through some system tied to the policy.<sup>76</sup>

The Illinois legislature continued to follow this liberal policy of allowing religious societies with school facilities to draw on a Common School Fund until 1863. At this time, it reversed its long-standing policy and resolved that the benefactors of the fund were "not to include religious schools."<sup>77</sup> The legislature was undoubtedly now attempting to draw a clear and definite line between church

and state and reversing a long-established pattern of direct support to denominational groups which began with the state's founding.

An earlier example of an expression of this sensitivity for maintaining a strict separation of church and state in regard to educational funding allocations was expressed in 1849 in the Illinois Senate. At this time, a bill calling for financial appropriations to the Roman Catholic Orphan Asylum in Chicago was introduced. In the debate which followed on the third reading, Mr. Gillespie of Madison said "he was sorry that his views of duty under the Constitution would compel him to go against the bill." He doubted the power of the Senate to vote for such a bill in that "it conferred the aid of the state in favor of an institution under the exclusive control of one denomination of [C]hristians." It was his view that such action was "prohibited by the words and spirit of the constitution." He admitted that many of the orders belonging to it were worthy, "especially of the order of the Sisters of Mercy who had elevated their character by their conduct, their self sacrificing labors, while the cholera was visiting our cities." Notwithstanding, he affirmed that his duty compelled him to vote against the proposed appropriation, "exhibiting as the bill does a partiality for one denomination." He added:

We might hereafter be beset by Methodists, Baptists, Presbyterians and other denominations to sustain by

appropriations, their sectarian establishments. The precedent, if adopted, would be a dangerous one. Under our government all denominations were placed upon an equality. It was the corner stone and foundation of all our republican institutions. Destroy this foundation and we could scarcely anticipate the consequences.<sup>78</sup>

Other Senators expressed their opinions on this request. Mr. Manley commented that he should, for the same reasons assigned by Gillespie, be compelled to vote against the bill. Senators Judd and Plato said they were willing to sustain the bill, "not believing it obnoxious to the allegations preferred." Mr. Grear, after a long speech against the bill, unsuccessfully moved that it be referred to the Committee on the Judiciary. The Senate refused to order the bill to a third reading - ayes 6, nays 13.<sup>79</sup>

Nevertheless, the legislature did extend benefits from the Common School Fund during these ante-bellum years. Frequent references can be found in the legislative record which provide some indication of the extent of support to religious societies in fostering their educational missions. One of the earliest citations was in 1840 to the action of legislators authorizing trustees of colleges and schools "to draw on the fund."<sup>80</sup>

Again, as part of a general incorporation statute of a Seminary of Learning in 1851, which applied to both denominational and non-denominational sponsored school facilities, the following provision authorizing the use of the Common School Fund was included:

Said trustees may also attach to said institution a

department for such branches as are taught in common schools; and where such departments shall be in operation in conformity with the school laws of this state, and the trustees shall be entitled to draw their proportion of the school fund for such scholars as may attend the same belonging to the township where said seminary may be located.<sup>81</sup>

The non-denominational Knoxville College charter of 1853 included a similar provision:

Trustees shall be entitled to draw their proportion of the township school, college and seminary fund for such scholars as may attend provided that such scholars belong in the township where said college is located.<sup>82</sup>

Institutions with evident denominational or religious sponsorship were clearly recipients of this fund as well. For instance, the Glenwood Presbyterian Academy's act of incorporation included the following:

The trustees of any school district may apply the common school fund to any scholar or scholars who may attend this academy in preference to the district schools, the principal of the academy giving them a receipt . . . according to the amount and time spent.<sup>83</sup>

Evidence of additional support for denominational schools can be seen in the chartering of the Methodist-affiliated Illinois Female College at Salem and the Free Will Baptist Prairie City Academy. In regard to the Female College:

All the children attending the preparatory department of the College shall be entitled to the same benefits of the common school fund, and in all respects governed by the provisions of the common school laws of the state of Illinois.<sup>84</sup>

And the provision found in the Baptist Academy read:

The trustees of any school district may apply the common school fund to any scholar or scholars who may attend this academy in preference to the district school, the

principal of the academy giving them a receipt therefore, according to the amount and time spent.<sup>85</sup>

The General Assembly in 1855 adopted tuition guidelines to be applied to private schools receiving state assistance and a procedure whereby a portion of such funding was to be return to the fund on the termination of such institutions as educational facilities:

Should the state make a donation of money or land for the use of the academy, for every one hundred dollars, ten years' tuition shall be given to one or more scholars designated by the school commissioners of the county or adjoining counties or to any indigent scholar who may wish to claim it. And when the academy ceases to be conducted as a school of learning, then one-half of the funds in the hands of the trustees to pass into the common school fund of the state of Illinois.<sup>86</sup>

An indication of a reaction to the state support of denominational facilities was evident from a report from the Sangamon County election of 1835. It was charged in the Alton Spectator that "strong personal objection existed against the Reverend Peter Cartwright on the ground that he was supposed to be desirous of giving the control of the funds appropriated for public education to the Methodists as a sect." The editor of the Sangamon Journal, S. Francis, stated that the allegation was "a misrepresentation in almost every important particular."

This is the first intimation we have had that Mr. Cartwright was opposed upon this ground . . . . The declaration is entirely gratuitous - and the editor of the Spectator has been imposed on by some designing individual.<sup>87</sup>

Thus, the legislature permitted all schools, denominational and non-denominational, to benefit from

student tuition reimbursements drawn from the Common School Fund. By permitting trustees of denominational schools to draw on the fund in this manner, the legislature was in fact financially subsidizing, at least in part, these educational institutions.

The legislature also concurred with a memorial presented by the Educational Society of Illinois in 1840 regarding the upholding of the principle of religious freedom in those institutions established as a result of support from the Common School Fund. The Society recommended:

that the schools taught in said houses should be open, upon equal terms, to all white applicants of good moral character, irrespective of religious opinions.<sup>88</sup>

Similarly, charters authorized for all schools in the state were not to include any religious tests for admission.<sup>89</sup>

In 1840, the legislature approved a stipulation limiting those societies receiving assistance from the Common School Fund to those in which instruction was in the English language.<sup>90</sup> Denominational societies attempting to retain this aspect of their "Old World heritage" in their schools would find that this new state policy would deprive them of access to funds for tuition reimbursements. This action on the part of the legislature reflected an interest in promoting a homogeneous, republican society and a definite anti-foreign born or nativistic sentiment.

Apparently, the General Assembly also received

non-educational requests for the use of this fund. In 1836, a widow petitioned for a share of the sixteenth section of the school lands to be used for her support and the benefit of other widows in the state. The legislature refused her request on the principle that the "use of the common school fund cannot be devoted to any other purpose, however charitable." This principle was set-forth in the December 29, 1836 report of the Committee on Seminary, School Lands and Education:

This legislature has no discretion on the subject, and that they would be assuming powers not conferred upon them, in making such a disposal of the school lands as is here prayed for. It has been settled by former legislatures, that the sixteenth section expressly granted to the inhabitants of each township for the use of common schools, cannot be devoted to any other purpose, however charitable - that each citizen of the township, having an equal interest in the funds, cannot be divested of his right without his consent; - that any legislation variant from these principles would be unwise, and that no precedent ought to be established giving the remotest countenance to future misapplications of the fund.<sup>91</sup>

In summary, an empirical examination of the laws enacted by the Illinois territorial and state legislatures to 1860 reveals that the constitutional provisions prohibiting the establishment of any religion, as outlined in the North West Ordinance of 1787, the Territorial Ordinance of 1809, and the Constitutions of 1818, and 1848, were not violated. No one religious tradition or institution was ever underwritten in law. Residents of the Territory and later the State of Illinois were never compelled to support any religious society or institution



with their loyalty and financial assistance through taxes. In this specific regard, the letter of the law was upheld. The various legislatures were diligent in rejecting all proposed bills which required the enforcement by the government of institutional religious conformity and support.

However, in examining the actual laws enacted during this ante-bellum period, it was evident that the legislatures drew a distinction between creating a religious establishment and supporting religion and religious morality in general. Interpreting the spirit of the disestablishment law very broadly, they operated under the republican premise that government had a definite responsibility to encourage the religious development of the people residing in the Old North West. In actual operation, this meant that active and substantive support would be offered directly to the emerging, largely Protestant, religious, benevolent and educational societies which were forming and maturing in the state.

Thus, motivated by a general republican concern to advance public morality and education, the legislature enacted measures which definitely gave support to various religious groups operating within the state. It would appear that they considered the advancement of public morality and religion to be synonymous. Democratic Governor Joseph Duncan (1834-1838) expressed this sentiment of state

interest in advancing religion and morality when he declared that the purpose of government is "to promote the moral and intellectual advancement of the people [and thereby] promoting the prosperity and improvement of our country."<sup>92</sup>

Governor Ninian W. Edwards also revealed the close connection between religion and government in a funeral address for the Reverend John Mason Peck on December 22, 1853:

While in accordance with the principles of our national and state constitutions, we protest against all interference on the part of civil government with the high and holy attributes of religion as a subject entirely beyond its province, yet it is obvious to every reflecting mind that the character of public men cannot but affect materially the influence and prevalence of religious principles, public virtue and sound morality are always affected by the course of human legislation.

Edwards referred to the violence associated with the French Revolution and the National Convention, "which was run by unprincipled atheists," to illustrate this connection. He insisted that "the butcheries and enormities which followed have furnished the world with a dreadful comment on a government without religious principles and moral rules."

He concluded:

Without belief in the general and leading principles of religion - such as the existence of God, our accountability to him and a future retribution - no laws, penalties or oaths will have efficient influence on mankind. Not to enlarge upon the importance of religion in exciting fear in the human heart of temporal judgments, passing by its high authority in communicating sanctity to oaths, and in restraining that class of offenses which human law can neither detect or punish, we maintain it is of the utmost importance in softening the turbulent passions of men and collecting them together in friendly society.<sup>93</sup>

By in large, the measures adopted by the Illinois General Assembly in support of religion and religious societies were open and applicable to all religious groups. Nevertheless, they followed a Protestant model and thus did not benefit non-Protestant groups to the same degree. The legislature was particularly sensitive to not enacting any legislation supporting any one religious ideology. This was evident in their resolve to charter various denominational schools only if specific safeguards against sectarianism were included. In addition, their direct support for religion and religious societies in the forms of the use of public buildings, financial donations, land grants and leases, incorporation privileges, tax exemptions and access to the Common School Fund were to a large degree manifestations of their widely held republican belief that this was the best, or possibly, the only way to maintain public order and morality.

## NOTES

1. Jay P. Dolan, The American Catholic Experiment: A History from Colonial Times to the Present (Garden City: Doubleday & Company, 1985), 110-111.

2. Thomas T. McAvoy, A History of the Catholic Church in the United States (Notre Dame: University of Notre Dame Press, 1969), 93. For details on the trustee controversies in Charleston, Philadelphia and New York, see: 92-122.

3. Patrick J. Dignan, A History of the Legal Incorporation of Catholic Church Properties in the United States, 1784-1932 (Ph.D. diss., Washington, D.C.: The Catholic University of America, 1933), 92-93, 103-104.

4. *Ibid.*, 94.

5. *Ibid.*, 144.

6. Chicago Democrat, 28 October 1854.

7. Bishop England's Works (Messmer Edition) vol. 4, 288-290. Quoted in Dignan, 143.

8. McAvoy, 119. Patrick Carey, An Immigrant Bishop: John England's Adaptation of Irish Catholicism to American Republicanism (Yonkers: U.S. Catholic Historical Society, 1982), 100, 107. Carey found in Bishop England's writings a willingness to accommodate Catholic governance to the principles of American republicanism. He believed that religious liberty, separation of church and state and voluntarism in funding churches were consistent with Catholic principles and practices. In this regard, the Bishop was not opposed to the trustee system, only its excesses.

9. Philip Gleason, Documentary Reports on Early American Catholicism in The American Catholic Tradition Collection (New York: Arno Press, 1978), 12.

10. Nathan O. Hatch, The Democratization of American Christianity (New Haven: Yale University Press, 1989), 8. Hatch developed the theme of democratization, or popular leadership, in the development of American Christianity in the early years of the Republic, 1780-1830. He emphasized the role of "religious populism" which rejected elitism and

which advanced the status of the common people and helped shape their own culture and institutions along egalitarian lines. An example of religious populism, or the attempt to promote democratic Christianity, involved the activities of Methodists, Baptists, Mormons, Black churches and others, "who welcomed hundreds of common people into the ministry, creating a cadre of preachers who felt and articulated the interests of ordinary people." Peter Cartwright would be an example of one who dispensed "with the trappings of respectability and recast the gospel in a familiar idiom."

11. Ibid., 13.

12. Ibid. See also: Joseph P. Chinnici, "American Catholics and Religious Pluralism, 1775-1820," Journal of Ecumenical Studies 16 (Fall 1977): 727-728.

13. Dolan, 114.

14. Ibid., 88.

15. Thomas, 88.

16. Chicago Democrat, 28 April 1855.

17. Ibid.

18. Ibid., March 3, 1855.

19. Ibid.

20. Dignan, 208.

21. Ibid. See also: Chinnici, 727-728.

22. Illinois Laws, Fourteenth General Assembly, 1845, 321-322. The Bishop of Chicago, the Right Reverend William Quarter, and his successors were to have legal title to property held by the Catholic Church, approved February 24, 1845. Reference: "An act authorizing certain persons holding property in trust for the use of the Catholic Church and Societies thereof, in the State of Illinois, to convey the same, approved February 24, 1845." Laws of the State of Illinois, Twenty-second General Assembly, Extraordinary Session, April 23, 1861 (Springfield: Bailhache and Baker, 1861), 78-79. As amended on February 20, 1861, "to incorporate the Catholic Bishop of Chicago, and to confirm conveyances, made since the 24th February 1845, heretofore, by the Catholic Bishop of Chicago." This act decreed "that the Bishop of Chicago, and his successors, in office be and are hereby created a body politic and a corporation sole, under the name and style of the Catholic Bishop of Chicago."

see also: Dignan, 249.

23. An indication that the religious affiliation of Illinois legislators was overwhelmingly Protestant in orientation during this ante-bellum period can be discerned in the statement made in the Constitutional Convention of 1870 "that no member was of the Catholic faith." See: Debates and Proceedings of the Constitutional Convention of 1869, vol. 2, 1760.

24. Illinois Intelligencer, 9 December 1825. "An Act for the incorporation of Religious Societies."

25. Provision of the Illinois Constitution of 1848: "That all men have a natural and indefensible right to worship Almighty God according to the dictates of their own consciences; that no man can of right be compelled to attend, erect or support any place of worship, or to maintain any ministry against his consent, that no human authority can in any case whatever control or interfere with the rights of conscience; and that no preference shall ever be given by law to any religious establishments or modes of worship." Provision of the Federal Constitution: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."

26. Illinois Intelligencer, 9 December 1825.

27. Laws of the State of Illinois, Ninth General Assembly, December 1, 1834 - February 13, 1835 (Vandalia: J.Y. Sawyer, 1835), 147.

28. Ibid.

29. Ibid.

30. Ibid.

31. Laws of the State of Illinois Passed in the Eleventh General Assembly, December 3, 1838 (Vandalia: William Walker, 1839), 267.

32. Revised Statutes of the State of Illinois, Fourteenth General Assembly, 1844-1845 (Springfield: Walters and Weber, 1845), 120.

33. Illinois Laws, Nineteenth General Assembly, 1855, 171-172.

34. Laws of the State of Illinois Passed by the Twentieth General Assembly, January 3, 1857 (Springfield: Lanphier and Walker, 1857) 108.

35. Laws of the State of Illinois Passed by the Twenty-first General Assembly, January 3, 1859, 21-22.

36. The "Revised Statute of 1845" was again amended on February 20, 1863 in order that its provisions be extended "to members of societies heretofore or hereafter to be formed for the purpose of establishing and maintaining private schools for religious purposes." Public Laws of the State of Illinois Passed by the Twenty-third General Assembly, January 5, 1863, Public Laws (Springfield: Baker and Phillips, 1863), 71. Again, reflecting a sensitivity to church-state relations, the legislature included the proviso that this act was not to be construed as conferring any special privileges or benefits to these societies under the State School Law. Nevertheless, this governing body did in fact offer benefits to religious societies by allowing their respective trustees to draw on the School Fund in the form of student tuition reimbursements.

37. Ibid.

38. See: Discussion of denominational use of the Common School Fund, 98-104.

39. Journal of the Senate of the Tenth General Assembly of the State of Illinois, December 5, 1836 (Vandalia: William Walker, 1836), 271-272.

40. Ibid., 66.

41. Illinois State Historical Society 16 (April-June, 1923): 46.

42. Other examples of state authorities accommodating the gathering of private groups included: "Ladies of the Episcopal Society to use the rooms of the Supreme Court," Illinois State Journal, 1 February 1831; "Ladies of the Presbyterian Church be entitled to use the Senate Chambers," Illinois State Journal, 14 February 1851. Also references to the Masons using the House chambers, Journal of the House of Representatives, February 22, 1844, 267, and "Great Masonic Ball " to be held in the State House in 1850, Illinois State Journal, 16 November 1850. Also reference to the Grand Lodge of the State of Illinois occupying the State chamber "on Monday, next evening." Journal of the Senate of the Fifth General Assembly of the State of Illinois, December 6, 1826 (Vandalia: Robert Blackwell, 1826), 111.

43. Laws of the State of Illinois Passed by the Twelfth General Assembly, December 7, 1840 (Springfield: William Walters, 1841), 110-111. Listed under "Grants of Property for the Encouragement of Education and Other

purposes" and "Lots Conveyed for Church Purposes."

44. Laws of the State of Illinois Passed by the Nineteenth General Assembly, January 1, 1855, Private Laws (Springfield: Lanphier and Walker, 1855), 368.

45. Laws of the State of Illinois Passed by the Twelfth General Assembly, December 7, 1840 (Springfield: William Walters, 1841), 110. Listed under "Grants of land for education confirmed: Land and religious societies to encourage education."

46. Laws Passed by the Second General Assembly of the State of Illinois at their First Session, December 4, 1820 to February 15, 1821 (Vandalia: Brown and Berry, 1821), 153-154.

47. Ibid.

48. Ibid.

49. "Petition of the Richland Baptist Church of Sangamon County to the Senate and House of Representatives, 1826" in the Illinois State Archives.

50. The Laws of Illinois Passed at the Seventh General Assembly, December, 1830 (Vandalia: Robert Blackwell, 1831), 73. Transaction listed under "Act Confirming Grants of Property Made for the Encouragement of Education, and for Other Purposes." Included was a reference: "Meeting-houses, grants for that purpose limited and confirmed."

51. Revised Laws of Illinois, Eighth General Assembly, 1832-1833, 240.

52. Ibid.

53. Laws of Illinois, Eighth General Assembly, 1832, 73. Laws of the State of Illinois Passed at the Ninth General Assembly, First Session, December 1, 1834 to February 13, 1835 (Vandalia: J.Y. Sawyer, 1835), 147.

54. Laws of the State of Illinois Passed in the Twelfth General Assembly, December 7, 1840 (Springfield: William Walters, 1841), 30, 48-49. Reference: "Commissioners of the Illinois and Michigan Canal to give lots to religious societies when so requested." In the House of Representatives, the vote was not strongly in favor of this grant, "56 ayes and 24 noes." Sangamon Journal, 1 January 1841 and 22 January 1841.



55. Laws of the State of Illinois Passed by the Thirteenth General Assembly, December 5, 1842 (Springfield: Walters and Weber, 1843), 171.

56. Laws of the State of Illinois Passed by the Twelfth General Assembly, December 7, 1840 (Springfield: William Walters, 1841), 110. Reference stated "Lots conveyed for church purposes" and "Land conveyed for the use of any religious society." See also: Illinois Laws, Special Session, Twelfth General Assembly, 1839-1840, 75. Reference to a "Charity Hospital" receiving canal lands.

57. Revised Statutes of the State of Illinois Passed by the Fourteenth General Assembly, 1844-1845 (Springfield: Walters and Weber, 1845), 604-605.

58. Ibid., 120.

59. Ibid.

60. Ibid.

61. Laws of the State of Illinois Passed by the Twenty-first General Assembly, January 3, 1859 (Springfield: Bailhache and Baker, 1859), 123. Listed as "An act to amend a February 26, 1847 act entitled 'An Act to provide for the dedication of lots in towns situated on canal lands to public purposes.'"

62. General Laws of the State of Illinois, Passed by the Eighteenth General Assembly, January 3, 1853 (Springfield: Lanphier and Walker, 1853), 261.

63. Ibid., 251-252. Individuals also assisted in the funding of new churches. "The Hon. Thomas S. Williams" of Hartford, Connecticut donated \$1,000 "to be used as a loan fund, without interest, to aid in building meeting houses for 'Orthodox Congregational Churches' in Illinois." See: Illinois State Journal, 15 October 1850.

64. Revised Statutes, Illinois Laws, Fourteenth General Assembly, 1844-1845, 526. The protected trees were listed as "black walnut, black, white, yellow or red oak, white wood, poplar, wild cherry, blue ash, yellow or black locust, chestnut, coffee or sugar tree, or sapling tree."

65. As previously indicated in 1821, the land tax exemption for religious societies applied to five acres. In 1831, the acreage restriction was expanded to ten acres, with the exemption of camp-meeting grounds set at forty acres. Illinois Laws, Seventh General Assembly, 1831, 73. See also: Illinois Laws, Thirteenth General Assembly, 1842-

1843, 53. Reference: "Tax exemption for religious and literary purposes." See also: Illinois Laws, Eleventh General Assembly, 1839, 267.

66. Illinois Laws, Fourteenth General Assembly, 1844-1845, 3-4.

67. Illinois Laws, Eighteenth General Assembly, 1854, 5.

68. Revised Statutes, Illinois Laws, Fourteenth General Assembly, 1844-1845, 614-615. Listed as "An Act regulating the assessment and collection of the Public Revenue, in force, March 3, 1845."

69. Report Made to the Senate and House of Representatives of the State of Illinois, First Session, November 23, 1840 - December 7, 1841 vol. 1 (Springfield: William Walters, 1841), 143. Reference: "Report to the Senate Judiciary Committee, February 19, 1841."

70. Ibid. The issue of recognizing the sovereignty of God in the laws and constitutions enacted by the state was also raised in the Constitutional Convention of 1847. See: Journal of the Convention Assembled at Springfield, June 7, 1847, 395.

71. Ibid., 144.

72. Laws Passed by the First General Assembly of the State of Illinois, Second Session, 1819 (Kaskaskia: Blackwell and Berry, 1819), 107. Reference to "An act relating to the lands reserved for the use of schools." See also: Illinois Laws, Twelfth General Assembly, 1841, 259-287. Reference: "An act making provisions for organizing and maintaining Common Schools."

73. Laws Passed by the Fourth General Assembly of the State of Illinois at Their First Session, November 15, 1824 - January 18, 1825 (Vandalia: Robert Blackwell, 1825), 126-127. See also: Illinois Laws, Fourth General Assembly, Second Session, 1826, 147. Reference to the leasing of seminary lands. Illinois Laws, Nineteenth General Assembly, 1855, 77. Provides a detailed explanation of the development of the Common School Fund. See also: Gross, ed., The Statutes of Illinois, 1818-1868, 278, 281.

74. Illinois Laws, Twentieth General Assembly, 1857, 292. By 1857, school fund benefits were being applied to "colored persons" in the state as well.

75. Illinois Laws, Fourth General Assembly, First Session, 1824-1825, 121. Reference to the first establishment of state school districts within each county and the first election of school officers.

76. Cremin, 133.

77. Illinois Laws, Twenty-third General Assembly, 1863, 71. Reference: "This act shall not be construed as conferring privileges or any benefit to such [religious] societies under the school laws of this State." See: Gross, ed., The Statutes of Illinois, 1818-1868, 129. The Illinois Constitution of 1870 also included a provision which prohibited all forms of sectarian aid by the state government. See: Debates and Proceedings of the Constitutional Convention of the State of Illinois Convened at the City of Springfield, Tuesday, December 13, 1869 vol. 2 (Springfield: E.L. Merritt Brothers, 1870), 127. Illinois was slow in adopting this provision. Constitutional provisions denying public funds to denominational schools had previously been adopted in 1835 in Michigan, 1848 in Wisconsin, and 1851 in Ohio. See: B. Confrey, Secularism in American Education: Its History (Washington, D.C.: The Catholic University of America, 1931), 124. See also the statement by the Southern Illinois Conference of the Methodist Episcopal Church, 1870, 30. "We heartily approve the provision of our new State Constitution . . ." as an anti-Catholic measure.

78. Sangamon Journal, 7 November 1849. Reference to the Senate action of November 3, 1849.

79. Ibid.

80. Illinois Laws, Twelfth General Assembly, 1840-1841, 290.

81. General Laws of the State of Illinois Passed by the Seventeenth General Assembly, January 6, 1851, Private Laws (Springfield: Lanphier and Walker, 1951), 173.

82. Illinois Laws, Private Laws, Eighteenth General Assembly 1853, 554-555.

83. Illinois Laws, Private Laws, Nineteenth General Assembly, 1855, 368.

84. Illinois Laws, Private Laws, Twentieth General Assembly, 1857, Private Laws, 1254-1255.

85. Ibid., 118.

86. Illinois Laws, Private Laws, Nineteenth General Assembly, 1855, 368. See also: Illinois Laws, Twelfth General Assembly, 1840, 110. Reference to "Grants of Land for Education Confirmed: Land and Religious Societies to Encourage Education."

87. Sangamon Journal, 22 August 1835.

88. Reports Made to the Senate and House of Representatives of the State of Illinois, Second Session, Twelfth General Assembly, December 7 1840 (Springfield: William Walters, 1841), 153. Reference: "Memorial of the Educational Society of Illinois, January 13, 1841."

89. Religious tests were forbidden in Illinois in laws passed in 1835-1837 and 1840. Similar laws were passed in Michigan in 1837, 1855, in Indiana in 1853 and in Wisconsin in 1857. See: Confrey, 124.

90. Illinois Laws, Fourteenth General Assembly, 1844-1845, 64. Reference: Common School Fund not to be paid to schools where the English language is not the medium of communication.

91. Sangamon Journal, 1 January 1837. "Report of the Committee on Seminary, School Lands and Education, Vandalia, December 29, 1836."

92. Illinois Laws, Tenth General Assembly, 1836-1837, 28.

93. Ninian W. Edwards, History of Illinois from 1778 to 1833 and Life and Times of Ninian Edwards (Springfield: Illinois State Journal Company, 1870), 248. Ninian W. Edwards was the son of Governor Ninian Edwards.

## CHAPTER V

### LEGISLATIVE ACCOMMODATIONS TO RELIGIOUS SOCIETIES: THE PROMOTION OF SABBATH OBSERVANCE, TEMPERANCE AND ANTI-SLAVERY REFORMS

One area of Illinois church-state relations involved the attempts by largely evangelical Protestant churches, and their representatives, to influence the legislature on behalf of Sabbath observance, temperance and anti-slavery reforms. These organizations through formal petitions and public actions attempted to influence the state legislature, as well as local governments, to enact specific legal remedies for what they considered to be some of the major social problems of this ante-bellum era. With the politicizing of these issues, greatly heightened during the 1850's, these reformers would increase their pressures on government to enact more paternalistic and regulatory legislation.

Among the many reasons for the increased interest of clergymen, drawn largely from the evangelical traditions of Baptists, Methodists, Congregationalists and Presbyterians, in determining public policies and the seeking of "accommodations" with the political order, two were

predominant. First, these men were reflecting, in part, a general republican concern for the well-being of society as a whole.<sup>1</sup> The growing secularization of American life, illustrated by the general decline in Sabbath observance, combined with the major threats to the social order from intemperance, and the divisive impacts of anti-slavery agitation, produced a fear in the minds of many that the very fabric of society was being undermined. The advancement of the temperance cause, in particular, became a part of the mid-century social awareness of threats to the republic and the civil order. In many ways, it was linked to the xenophobic sentiments of the times. In general, those people linked to Catholic institutions, particularly Germans and Irish, were regarded as not only a threat to Protestant Christianity, but as a menace to the free, democratic institutions of America. Among the charges leveled against members of these immigrant groups was that they disproportionately contributed to the social problems of drunkenness, violence, dependency and secularism. And, further, it was charged that these foreigners had frustrated all attempts at reform. This prejudicial attitude greatly augmented the nativist cause which politically manifested itself in the rise of the Know-Nothing movement in the early 1850's.<sup>2</sup>

Secondly, these Protestant clergymen might possibly have been responding to the waning of their own influence

and social control in the communities in which they labored. Alarmed with increasing signs of irreligion, and their lack of reform success in following a largely non-political stance, many determined that in order to be effective they must become more politically active.<sup>3</sup> This involvement for most clergy meant the open and public advocacy of social and moral issues, not partisan participation in political party organizations or activities. As with the movement to advance public education within the state through the adoption of the common school system, these clergymen would also take disproportionate and leading roles in advancing Sabbath, temperance-prohibition and anti-slavery reforms.

Contemporaries did not regard these reform causes to be of equal importance, nor of equal intensity or impact. By far, liquor reform received the most attention by reformers in Illinois from the 1820's to the early 1850's, and was considered to be the primary national moral and social movement of this period. Alcoholic abuse was also regarded as the cause of many other social evils including pauperism and civil unrest. Antislavery agitation would not come to dominate over the temperance-prohibition cause in popular support and intensity until the last decade preceding the Civil War.<sup>4</sup>

During the early years of Illinois history, the legislature passed a series of laws designed to protect the observance of the Christian Sabbath and which largely

remained on the statute books throughout the entire ante-bellum period. These so-called "Sunday laws," as named by their detractors, involved fines and possibly brief imprisonments for any number of offenses. For example, in 1819, anyone who labored on Sunday ["works of necessity, charity, and of watermen and ferrymen exempted"], or disrupted a religious gathering with loud noises, or attempted to sell liquor [without a license] within one mile of a meeting-house or church, or fired a gun on this day was subject to a fine of \$2.00.<sup>5</sup> The legislature increased the fine in 1821 for those convicted of such disruptions to the celebration of the Sabbath to \$3.00 and added that the offender was to be "committed until the fine be paid." Named in this bill were "any persons found revelling, fighting, or quarreling, or working, or gaming or sporting or hunting or shooting on Sunday."<sup>6</sup> In 1829, the fines for Sabbath breaking were again increased: for laboring on Sunday the fine was not to exceed \$5.00, for disturbing congregations not to exceed \$50.00, for noise or amusement not to exceed, \$25.00.<sup>7</sup> These provisions were further included in "An Act to Preserve the Good Order in All Worshiping Congregations and Societies in the State" enacted in 1833. The legislature passed another Sunday law to prohibit "barbarous and noisy amusements on the Sabbath" in 1855. At this time, a provision was included which prohibited the disturbing of "the peace of any private



family."<sup>8</sup> In 1859, a bill "for the Better Protection of Religious Societies and Meetings" was enacted which extended the laws which prohibited the sale of intoxicating liquors to fair grounds and to meetings held for religious worship.<sup>9</sup>

Local municipalities also adopted Sabbath laws of their own. For example, the charter of Springfield included an ordinance which prohibited "any person who shall on the Sabbath day play at any game within the limits of the City, shall on conviction thereof pay the sum of one dollar and fifty cents."<sup>10</sup>

An indication that there were sentiments in the legislature to considerably enlarge the Sunday laws was evident during a House discussion in 1841 on "the proper observance of the Sabbath." Mr. Dodge offered an amendment that "every person not attending some meeting of public worship on the Sabbath should be fined 12 1/2 cents and any person found whittling, or kissing his wife on Sunday, should be fined \$1." It was reported that the "Chair pronounced the amendment out of order" as it obviously conflicted with the state's constitutional guarantees of religious liberty.<sup>11</sup>

The most fundamental church-state issue involved in the Sabbath laws enacted by the legislature and local governing bodies during this ante-bellum period was their enforcement. Supporters of Protestant religious morality

complained, especially during the 1850's, that the civil authorities were not fulfilling their obligations in this regard. G. L. Clifford, editor of the Chicago Democrat, frequently demonstrated his concern that the existing sabbath laws were not being enforced. On October 17, 1853, he reported that in spite of the fact that the City Council had adopted an additional "stringent ordinance against keeping the liquor bars open on the Sabbath, it appeared to be almost universally repudiated, so far as the North Division [of the city] is concerned."<sup>12</sup> Again, on August 27, 1859, he raised the same criticism when the City Council adopted another series of regulatory ordinances:

Every one of the provisions [passed by the Council] is now the law of the city and has been so for years. Of what earthly or heavenly use is it to pile law upon law, and ordinance upon ordinance, while those already enacted are not enforced?<sup>13</sup>

And, on October 8, 1859, in an article entitled "The Whitewashing Report on the Sunday Question," he again criticized the actions of the Chicago Common Council, the municipal body which governed the city, in adopting a new ordinance "to grant to the Mayor the power to evoke the license of any liquor seller who opened his saloon on Sunday." He insisted that this ordinance was unnecessary for adequate laws for this purpose were already in effect. "The only reason why saloons were kept open on Sunday," he affirmed, "was that the existing laws were not enforced." This editor called upon the clergy and their congregations

"to see that the church members in the City Council did their duty and enforced the [existing] laws." He stated that "this whitewash by the City Council to make the clergymen and the people believe that the Mayor and the Police Committee are little short of saints upon the earth" in adopting new laws to enforce Sunday observance will not work. He asked his readers to "go out into the streets and count the saloons open all week, and Sunday also." He appealed to them to "look at these things as they are, and not as they appear when whitewashed over by a set of men who do not dare to let the truth be known."<sup>14</sup>

Protestant groups also looked to government to enforce the existing Sabbath laws against transgressors as in the case of any other civil or criminal violation. They also came to recognize the need to exert political pressure on state and local authorities to introduce additional legislation to protect the Sabbath. The Reverend Archibald Kenyon, Baptist spokesman for the "Cook County Maine Law Convention," in 1853 provided an example of the pressuring of governmental officials to promote reform. At this time, he called the attention of the Chicago Common Council to the number of unlicensed shops within the city limits and requested that while the license system was in force that "the laws and ordinances of the City prohibiting the sale of liquors without licenses be enforced."<sup>15</sup> Apparently, such appeals were not limited to local and state governmental

bodies. For in 1840, it was reported that Senator James Shields presented a series of petitions in the United States Congress from his Illinois constituents in Wabash County. Among these petitions was one asking that "the Sabbath be more sacredly observed by the different departments of the [federal] government," and that the transportation of the mails on the Sabbath be stopped. The petitioners asserted:

We profess to be a Christian nation, and governed by laws based upon the Holy Scriptures, and that, therefore, this great and flourishing republic is held up, in the order of Providence, as an example of free government for all the nations of the earth, it behooves the representatives to uphold it in its purity.<sup>16</sup>

Not all religious societies responded with the same interest or enthusiasm to this largely Protestant crusade to keep the Sabbath. Primarily, Baptists, Methodists, Congregationalists and Presbyterians appeared to have been the most threatened and consequently the most active in attempting to thwart these secular challenges to their traditional Sunday observance practices.<sup>17</sup> Methodists, in particular, representing the largest religious grouping in the state, were especially active in promoting this and other reform causes. Thus, in their local and annual gatherings, these denominational groups adopted memorials and resolutions which reflected their positions on the Sabbath issue. Their actions were largely designed to motivate their respective memberships to develop strategies for reform, including the exerting of political pressure through the ballot and petitions to governmental officials.

In addition, these evangelical groups sought to educate their memberships to the religious and societal dangers from violators of the Sabbath and to organize various kinds of public gatherings, including Sabbath conventions, to advance the cause.<sup>18</sup>

The Sabbath Convention which was held in Springfield, Illinois, in June of 1847 offers an example of the political tactics employed by denominational representatives and others to influence political officials. This assemblage had planned to meet concurrently with that of the state's second Constitutional Convention. When they gathered in the First Presbyterian Church of Springfield, one of their initial actions was to invite the delegates of this Constitutional Convention to meet with them and to take part in the deliberations of their convention. Of the resolutions adopted at this meeting, two were of significance for church-state relations:

Resolved, That neither government, nor corporate bodies, nor individuals, ought to interfere with the clearly defined law of God and the religious rights of man, by requiring any person to desecrate the Sabbath.

Resolved, That we solemnly invite the attention of the statesman, the prints and the capitalists of our country, to this important subject and the exertion of their full influence by the maintenance of the Law of God, and the rights and privileges of the laborer.<sup>19</sup>

It is unclear whether or not any of the Constitutional Convention delegates actually attended this gathering. Nevertheless, the Sabbath Convention's deliberations were presented in the local press. Another Sabbath Convention

was held on May 3, 1848 in Belleville, Illinois. At this gathering, significant numbers of clergymen, representing the Congregational, Presbyterian and Baptists traditions, were noted in attendance. Again, specific resolutions were adopted and publicized in the press. These resolutions included:

Resolved, That the strict observance of the Sabbath is essential to the civil and moral interests of this republic.

Resolved, That in view of the extensive desecration of the Sabbath which now prevails, judges of our courts, magistrates, legislators, ministers, and all who are in authority can confer no greater boon on the country than that of giving the whole weight of their official influence and example in favor of a strict observance of the Sabbath.<sup>20</sup>

Additional Sabbath Conventions continued to be held throughout the remaining decades of this ante-bellum period. In 1857, the North West Sabbath Convention, which had assembled in Chicago, adopted the following resolution concerning public officials holding business meetings on Sunday:

That the Convention would respectfully suggest to the Congress of the United States, our several legislators and to other public bodies, the importance of respecting the sanctity of the Sabbath in their public duties.<sup>21</sup>

Although continuing to be concerned with the problems of intemperance and rowdiness, Protestant clergymen and their lay supporters were increasingly alarmed by cultural and political challenges to Sabbath-keeping associated with the growth in the diversification of the state's population. Immigrants, particularly Germans and Irish with their

diverse cultural and religious practices, were criticized by these Protestant defenders of the Sunday laws. For example, the Southern Illinois Annual Conference of the Methodist Episcopal Church made its position clear in 1858 when it referred to the Sabbath "as an American institution" which was being threatened by these foreigners. It resolved that "the desecration of the Sabbath, as is weekly witnessed in many portions of our work, calls for renewed effort on the part of all lovers of American institutions."<sup>22</sup> Protestant societies complained that foreign groups were attempting to Europeanize the Sabbath and thereby turn it into a day of pleasure and recreation. These supporters of traditional Protestant morality and the republican ideal of a homogeneous society charged that one of the most negative results of inviting European emigration to America was the lowering of the standards of Christian morality. Most importantly, they charged that foreigners were attempting to nullify the various Sabbath laws, "either by encouraging disobedience or by legislative enactments of repeal." "Let this [Sabbath] institution, then become secularized as in Papal Europe," the General Assembly of the Presbyterian Church warned in 1853, "and how it would darken the prospects of this nation by the destruction of so much that is dear to the heart of the patriot and precious to the contemplation of the Christian." "If this is allowed to pass," this body cautioned, "then might [the word] 'Ichabod'

be written on our legislative halls and churches, because their glory will have departed."<sup>23</sup> Perhaps, the Wisconsin Annual Conference of the Methodist Episcopal Church stated this resentment best when it responded to the attempts by Germans to repeal its state's Sunday laws. These Methodists referred to the "effrontery of a foreign people coming to these shores, seeking the asylum and franchise of our excellent government, and then demanding that we, the native of the soil, sanction by legal enactments their profanations of the Lord's holy Sabbath Day." They also referred to the "unfairness and wickedness in our fellow citizens of German birth in demanding the abrogation of our Sabbath laws, rendered sacred to us, native-born citizens."<sup>24</sup> Similar declaration would be expressed by Illinois religious groups. In 1852, the Methodist Episcopal Church in its state conference for Illinois referred to the "German population, who come among us with their strange politics, theology, morals and religion."<sup>25</sup>

Additional appeals were made by Protestant groups, in part based on the republican sentiment to promote the welfare of society, in defense of Sabbath observance. In 1852, the Illinois Annual Conference of the Methodist Episcopal Church declared that one of the major reasons for keeping the Sabbath was the good effects which it had on the public order and peace. It further maintained in 1854 that "its proper observance is essential to the good of society,



the life of morality and the prosperity of the church." This church body later stated that "the people who discard, profane or neglect the Sabbath, expose the very heart of society to the deadly thrusts of every crime and immorality."<sup>26</sup> Thus, these Methodists viewed that violations of the Sabbath represented challenges to the free institutions of America and charged that attempts to undervalue this day were "indirect efforts to subvert the Government, and consequently treasonable in their intent."<sup>27</sup> They also made it clear that the laws of the Sabbath were applicable to all, whether religious or irreligious, and that they were opposed to any attempt to remove the legal restraints of the law which protected the Sabbath.<sup>28</sup> The General Assembly of the Presbyterian Church in 1860, likewise supported Sabbath observance and emphasized that it was "the duty of the Government to protect the Sabbath, and secure it to all as a civil right." This body called upon its ministers and ruling elders "to increase their watchfulness and zeal in securing the proper observance of the Sabbath, and the enforcement of all laws for its protection and preservation."<sup>29</sup>

Sabbatarians and temperance reformers were for the most part the same people who combined their concerns with intemperance and Sunday observance.<sup>30</sup> The Temperance Movement which developed in Illinois, like that of the country as a whole, to a significant degree drew its

membership, its dedication and its moral code from organized religion. The movement generally followed a two-fold pattern, initially emphasizing moral persuasion and later shifting to prohibition through governmental intervention and coercion. By the end of the eighteenth century, Methodists, Baptists and Quakers, had established reputations in the nation as the first and most active groups in advocating liquor reform.<sup>31</sup> They had started by attempting to convince their own memberships to modify their drinking habits.<sup>32</sup> Reform advocates within these groups advanced temperance as the solution to alcoholic abuse in that the temperate use of ardent spirits permitted the choice of responsible and modified alcohol consumption. For these reformers, temperance increasingly came to mean abstinence.<sup>33</sup>

The Temperance Movement was not limited to the activities of clergymen alone, for members of other professional groups, businessmen, and women made up the bulk of supporters. Nevertheless, an indication that a disproportionate number of clergymen favored and would become involved in liquor reform activities was evident from the first prohibition convention held within the state. At this conference, 200 of the 240 delegates were of the clerical profession.<sup>34</sup> In viewing themselves as guardians of public morals and virtue, clergymen would become active participants in most temperance societies formed within the

state.<sup>35</sup> Undoubtedly, this clerical involvement comprised a fundamental ingredient in the movement to advance temperance reform. In seeking to promote moral goals, protestant reformers, in Illinois and elsewhere, either formed their own temperance societies, joined with other denominational groups in co-operative ecumenical efforts, or joined various philanthropic and benevolent organizations and societies. Many of the temperance societies formed in Illinois were auxiliaries of national eastern organizations.<sup>36</sup> One of the most important organizations formed in the state to coordinate reform efforts was the Illinois Temperance Union. It was reported that "many of the first men of the state, of different political parties and religious denominations were members of this organization."<sup>37</sup>

Temperance societies generally focused on the reform of the "liquor trade" and sought to arouse public awareness of its negative impacts. They, in turn, attempted to create additional local or auxiliary societies to direct and publicize temperance issues in communities throughout the state. Following the approach adopted earlier by the Methodists, Baptist, and Quakers, these voluntary groups first sought reform through the application of moral persuasion and pressure. However, becoming dissatisfied with the societal responses, they increasingly turned to various state and local governance bodies to enact laws in

support of restrictive regulations on the manufacture, sale and consumption of alcoholic beverages. Clearly, these temperance reformers were not committed to any doctrinaire belief in "laissez faire" policies. By the late 1840's and early 1850's, they were actively seeking governmental involvement as a mechanism through which reform could be accomplished.

The initial attempt by the Illinois legislature to control the liquor trade and alcoholic abuses was to permit towns and cities to issue licenses to distributors on a local option basis. The first license to regulate taverns was issued in 1819.<sup>38</sup> During the 1830's and 1840's, considerable efforts would be exerted by reformers to modify or repeal this licensing system.<sup>39</sup> Their major complaint was that licensing laws gave respectability to the liquor business.<sup>40</sup> The licensing system was also criticized in that it could not be reconciled with democratic principles for such laws gave an unfair monopoly to a privileged few to engage in the liquor traffic and thereby to make great profits.<sup>41</sup>

Even more disconcerting to temperance advocates was the passage on February 1, 1851, of the controversial bill which prohibited licenses to sell liquor in any quantity less than a quart and which ostensibly repealed all other laws allowing licenses, including that of the local option.<sup>42</sup> Commenting on this bill the Methodist editor of

the North Western Christian Advocate, James V. Watson, stated that it was "difficult to determine what our legislative servants had in view when they passed [this law]." He stated that it was "laughable to profess to restrain men from getting drunk by compelling them, whenever they make a purchase, to purchase just about enough to do that thing to perfection." He believed that almost any one could purchase liquor under this law, the cost being equivalent to about two hours work. He concluded that the object of "this enigmatical statute is of multiplying inebriates in our midst."<sup>43</sup> In response to similar and increasing protests, the legislature repealed the "not-less-than-one quart" law and reinstated the license system in 1853.<sup>44</sup>

Prompted by the lack of success with the temperance focus, and dissatisfied with the various licensing laws enacted by the legislature, moral reformers increasingly turned to prohibition as the best, and possibly the only acceptable goal of liquor reform. This shift represented a radical change from the traditions of the past in that it necessitated direct involvement in politics, something which clergymen and other moral reformers had generally avoided as a repudiation of moral suasion and a corruption of all who became involved. It represented, in effect, a major change in the thinking and social attitudes of these religious reformers toward what was necessary to accomplish reform.<sup>45</sup>

It was during the early 1850's that the "no-licensing" agitation was largely replaced with the more radical call for the prohibition of the manufacture, sale and consumption of alcoholic beverages, except for medical and sacramental purposes. The high point of this prohibition movement in Illinois was the attempted passage of a restrictive "Maine Law" in June of 1855. This law was patterned on the famous legal statute sponsored by the mayor of Portland, Maine, Neal Dow.<sup>46</sup> This was the first state to reject the license system in favor of state-wide prohibition. The basic focus and intent of this radical legislation, first adopted on June 2, 1851, was to end the supply of alcohol available for sale to the public and to punish drunkenness.<sup>47</sup> The major contribution of this initial Maine Law was in regard to making the moral outrage against drunkenness a part of national and state politics during the early 1850's.<sup>48</sup> The Temperance Messenger of Chicago reported on September 6, 1851, that the Maine Law was setting an example for other states to follow. It also praised an article which had appeared in the Philadelphia Ledger "defending [the Maine Law] against the charge that it is fanatical and destructive of liberty."<sup>49</sup> Other states followed Maine in rapid succession. By 1855, in the Old North West, Indiana, Michigan and Wisconsin had enacted similar prohibitory laws.<sup>50</sup>

Undoubtedly, the Maine Law provided a stimulus to

accomplish nation-wide prohibition. In this regard, temperance reformers in Illinois were encouraged to seek similar legislation. They adopted a variety of organizational forms and strategies with the one intent of pressuring the legislature and other governmental authorities to enact prohibitory laws and ordinances. For example, the Chicago Democrat reported on January 11, 1853, that the temperance supporters were actively circulating petitions to the General Assembly in favor of the Maine Law and that "little girls are employed to present them, and it is almost impossible for the most ardent lovers of the cup to refuse their names to the little dears."<sup>51</sup> On January 24 and 25, 1853, the Illinois State Temperance Society Convention convened in the Second Presbyterian Church in Springfield. John Mason Peck, Baptist educator, organizer and publicist and one of the most active clerical advocates of temperance reform, served as vice president. This body adopted a resolution calling on the legislature to enact a law to prevent the sale of intoxicating liquor. This resolution stated that it was "the duty of this state [government] to pass a prohibition law at its present session and that before said act becomes a law, it should be submitted to the people for a direct vote, and should receive the sanction of a majority of all the votes cast." The actual memorial forwarded to the General Assembly read in part:

[We] ask of your Honorable body the passage of an act prohibiting the manufacture and traffic in intoxicating liquors, except for chemical, mechanical, medicinal and sacramental purposes, - similar in its provisions to the law commonly known as the 'Maine Law' . . . to be submitted to the people for adoption.<sup>52</sup>

An Illinois Maine Law Alliance was also formed to coordinate the reform efforts within the state and in which many clergymen and religious societies were actively involved. This organization was launched in Chicago on December 7, 1853, and drafted a constitution which included the provision that "every member . . . pledges himself that he will use his best efforts to secure the election of legislative and executive officers in this state, favorable to the enactment and enforcement of an efficient prohibitory law."<sup>53</sup> At this time, the Reverend Freeman Yates, an officer in this society and a Methodist, undoubtedly responding to criticisms of the society's attempt to involve the force of government to advance social reform, presented his views on the subject:

Prohibition rests upon the right and policy of preserving public morals; upon the right and policy of protecting the person and property of the citizen; promoting social order, and preserving the public peace; upon the right and policy of removing the most prolific source of pauperism and crime; upon the right and policy of relieving the people from a great and unnecessary burden of taxation. It rests upon all these considerations, and not upon the right or policy of legislative effort to correct the private morals of men.<sup>54</sup>

The Chicago Daily Tribune, reporting on this first meeting of the Illinois Maine Law Alliance, noted that "the religious community [of Chicago] was almost unanimous in



favor of the Maine Law."<sup>55</sup>

A subsequent meeting of the Illinois Maine Law Alliance was held on February 22, 1854, in the First Presbyterian Church in Springfield. When the delegation assembled, one of their first objectives was to obtain permission to use the chamber of the House of Representatives. A similar attempt had been made the previous year by a temperance speaker and was refused. Mr. B. S. Edwards said he objected to asking for this permission again for he was "opposed to another insult at the hands of the legislature."<sup>56</sup> This time, however, the House consented. It was also reported that the delegates had come mainly from the northern counties of the state and presented "the appearance of an able and valuable class of men."<sup>57</sup>

In addition to the involvement of individual clergymen in the activities of temperance societies and organizations, various denominational bodies adopted official resolutions in support of prohibition and forwarded them to the legislature. For instance, the Methodist Illinois Annual Conference, meeting in Winchester, Illinois, on October 18, 1852, resolved "that we hail with delight the Maine Liquor Law as admirably adapted to the destruction of the great evil of intemperance. We respectfully pray the Honorable legislature of this state at its next session to pass a similar law." The Conference secretary was instructed to furnish the legislature with a copy of this resolution.

This group also expressed the opinion that this law, "which seized the liquor instead of the vender, was exerting a most salutary influence where it had been adopted and enforced." These Methodists explained that the reason for their advocacy of political action was that "the force of this evil was so tremendous that the moral suasion principle is inadequate to its complete overthrow." They also referred to some 30,000 petitions in favor of the Maine Law which were circulating throughout the state and which were to be forwarded to the next legislature.<sup>58</sup> In 1854, this Conference voted to continue its support to the Illinois Maine Law Alliance "as the chief direct means of bringing public sentiment so to bear as to create the strong probability that our next legislature will give us a prohibitory law." This Methodist Conference also noted at this time, that Maine, Rhode Island, Massachusetts, Vermont, Michigan and Connecticut had adopted prohibitory laws and that New York, Pennsylvania, Wisconsin, Minnesota and Texas had conducted a popular vote supporting the Maine Law principle, and that "in other states the subject is warmly agitated, with strong possibilities of final success."<sup>59</sup>

The Rock River Annual Conference, which included the Methodist churches in most of northern Illinois, demonstrated similar support in 1853 for the prohibitory principle and pledged "to support no man for the state legislature, at the state election in 1854, who is not known

to be a firm supporter of the Maine Law." And, further this body invited the various temperance and religious organizations throughout the state to "cooperate" with them in forming "one grand Maine Law League of all the friends of temperance."<sup>60</sup> The following year, this Methodist body voted to approve the action of the legislature in permitting some cities and towns to use the local option provision in order to adopt limited prohibition. This gathering also renewed its former pledge to vote for only friends of the prohibitory principle who were "in favor of its immediate and practical application to our state." And, they endorsed the activities of the agents of the State Maine Law Alliance to canvass, and organize auxiliaries "with the design of establishing a net-work over the entire state before the coming November election." Finally, this Conference resolved:

. . . to preach or lecture at each regular appointment within our several charges, prior to the regular election in November next, on the subject of prohibition law; and endeavor by all other means within our sphere, as ministers of the gospel, to secure its adoption by our next Legislature.<sup>61</sup>

Other denominational bodies also embraced state-wide prohibition. The General Association of Congregational Churches in Illinois resolved in 1854 that "we regard the passage and enforcement of the 'Maine Law' in this state as one of the most important measures of the day, and that we pledge ourselves and recommend to all the ministers and churches of this state heartily to co-operate in measures to

promote it."<sup>62</sup> The Elgin Association of Congregational Churches, meeting in Batavia, Illinois, on April 11, 1854, called on its churches "to exert their influence in all proper methods to secure the passage of an act by the legislature of this state embodying similar provisions with the Maine Liquor Law."<sup>63</sup> An indication of support for prohibition among the independent Baptist churches was given in a report of a meeting in Chicago on October 17, 1853, "that every preacher present, over a hundred, voted for resolutions sustaining the Maine Law."<sup>64</sup> At the annual meeting of the South District Baptist Association in 1854, no mention was made to the Maine Law; however, this body did urge its members to support the prohibition cause.<sup>65</sup> In 1858, this same body affirmed that the manufacturing, buying or selling of intoxicating liquors "should be a misdemeanor" and subject to church discipline.<sup>66</sup> The national Presbyterian General Assembly in 1852 endorsed the Maine Law and stated that "it rarely ever had seen a more striking illustration of the power of moral influence, which a state, not among the central or the most populous, can exert, in promoting the spread of sound principles throughout the community."<sup>67</sup> And finally, in 1853, the Presbyterian Synod of Illinois and the Evangelical Lutheran Synod of Northern Illinois adopted similar resolutions in support of the Maine Law.<sup>68</sup>

The Tablet, a Chicago Catholic newspaper, provided

some insights as to the support for the Maine Law among Roman Catholics. Although professing to be no friend of the liquor trade or intemperance, this publication was highly critical of prohibitory law as unwise, unconstitutional, unjust, unenforceable and anti-Catholic. In attempting to stop the sale of liquor by an "unjust and coercive means," it stated, "the Maine Law maniacs were, perhaps, contributing to the increased use of alcohol." It cited the recent Chicago election: "It is an indisputable fact that hundreds of gallons of whiskey were freely poured out to defeat the Maine Law ticket." It also viewed the Maine Law to be "unconstitutional and unjust, a remnant of old Puritanism." "Every Catholic should protest against such unwarrantable and unjust usurpations," this paper insisted, "which set at defiance the Constitution of the country, and menace and threaten the stability of the Republic." Furthermore, it editorialized that the Maine Law could not be enforced and as a result would undermined the respect for all law: "So long as a respectable minority are opposed to it, you dare not enforce it, for the result is that you bring the laws of the country into contempt." Finally, this paper claimed that the "Maine Law movements are often a mere pretext, an outward covering, under which is concealed the most virulent anti-Catholic bigotry." It cited the spending of \$1000 by "Maine Law bigots" to defeat the reelection of an Irish Catholic alderman who had served "with much honor

to himself and to the satisfaction of the community." It therefore concluded that the Maine Law was not deserving of the support of the Catholic community.<sup>69</sup>

The Catholic Vindicator, also of Chicago, on August 12, 1853, presented a similar negative view on the Maine Law. This newspaper stated that "the tyranny and encroachments of the Maine Liquor Law upon the rights of individuals under our political organization, is as unaccountable as were those laws under the particular circumstances which Puritans assigned."<sup>70</sup>

On January 23, 1854, the Chicago Tribune, provided a summary of denominational actions on the Maine Law which indicated substantial support for prohibition among Protestant churches in Illinois:

We have frequently alluded to the fact that a Prohibitory Liquor Law in Illinois would secure the aid of nearly all the Christian Churches, and especially of the Protestant division. The Methodist and Congregational churches are favorable to such a law, with scarcely a dissenting voice from one of their members. The Baptist Church is also favorable, and a large majority of its members, in their individual action, act decidedly in favor of temperance. The Presbyterian Church, in this State, through its synod has also testified its desire in favor of the adoption of a law embodying the principles of the so-called Maine Law.<sup>71</sup>

In June of 1855, the Chicago Tribune again referred to the actions of church bodies in different parts of the state in passing "strong resolutions in favor of the Maine Law and which "pledged themselves to preach to their several congregations on the subject before the election." The

importance of the clergy in promoting prohibition throughout the state was also emphasized:

We believe the pulpit to be one of the great reformatory agencies of the world and on a question of such vital importance as this, it should no more be silent than on any other flagrant vice which destroys the peace of society and man, for time and eternity. Let the pulpit thunder out its anathemas against the sin of rum selling as they would against any other transgression of the Ten Commandments. Let every man, who can preach, preach. Let every man who can vote, vote. All can do something.<sup>72</sup>

G. L. Clifford, editor of the Chicago Democrat, in December of 1854 further expressed the republican sentiments that the state legislature had "the right to restrain or prohibit the sale of any article that may be deemed injurious to the public peace, the public health or the public morals."<sup>73</sup> Again, on March 24, 1855, responding to the charge "of advocates of rum and monopoly" that the Maine Law was "anti-republican," he declared that "the last men who should talk of Republicanism and Democracy are those who uphold that most odious and abominable of all monopolies - the monopoly of making paupers and criminals by selling liquor under a special license." This editor affirmed that "if the liquor traffic is right and proper, then every man and woman should have the same unrestricted privilege of engaging in it. If it is wrong, then every man and woman should be alike prohibited. Equal laws, equal justice and equal protection is our motto at all times."<sup>74</sup>

The agitation over the Maine Law divided the Illinois population into many splinter groups. Two of the most

significant divisions were between the northern, central and southern counties, and between the rural and the urban centers of the state. A legislative report in 1853 confirmed such fragmentations by indicating that "most of the petitions in support of the Maine Law had come from the northern and central portions of the state."<sup>75</sup> Again, Senator Koerner commented on the regional divisions within the state in a Senate debate on January 19, 1853. He said that the people from the southern counties, like St. Claire, were opposed to the Maine Law. Nevertheless, he insisted, they "are as moral and high bred as any in the state, and almost to a man are in favor of license laws."<sup>76</sup> Reverend Freeman Yates, Methodist agent for the Illinois Maine Law Alliance, commented on the temperance movement in southern Illinois in 1855. He said that "the counties south of Madison, where it is generally understood that Egyptian darkness prevails on the subject of temperance, and so far as my observation extends, the impression is not very wide of the truth."<sup>77</sup> An indication of negative sentiments in southern Illinois to adopting prohibition was also given in a petition sent to the legislature from the citizens of Quincy in January, 1855:

We remonstrate against the passage of Prohibitory laws prescribing what we shall eat or what we shall drink, as being subversive of the rights of man; as infringing on household privileges, where the right of search is permitted, for slight cause or suspicion. And we further most respectfully remonstrate against the passage of Prohibitory Liquor Laws, as being inoperative and impracticable in their execution therefore held by a



large proportion of your constituents as contemptible and useless legislation. We, your petitioners, are fully satisfied that the only remedies for the abuse of intoxicating drinks, are stringent license laws, and the appeal of good men to the moral sense of community to sustain them.<sup>78</sup>

Urban centers with large concentrations of immigrants, particularly Germans and Irish, were generally hostile to temperance and prohibition.<sup>79</sup> Chicago, with the largest foreign population concentrations in the state, was the scene of rioting in 1855 during the state-wide agitation over the passage of a Maine Law. The violence was in direct response to a city ordinance, which had been passed at the urging of Mayor Levi Boone, to end Sunday liquor sales, to raise the cost and eventually, with the passage of the state's own Maine Law, to suspend the issuance of all liquor licenses.<sup>80</sup> Rioting developed on Saturday, April 21, 1855, as opponents of the new ordinances attempted to prevent the municipal court from prosecuting those who had violated it. With the local police unable to contain the violence, troops were eventually called to quell the disturbances and the city was placed under martial law on the following day.<sup>81</sup> As reported in the North Western Christian Advocate, Methodist reformers hoped that this violence would act as a catalyst to advance the state-wide prohibition cause:

Prohibition alone can eradicate the seeds of such outbreaks. Let every voter remember the Chicago mob in June next, not forgetting that its chief instigators were infidel foreigners . . . uniting in imprecations upon 'American tyranny,' and adopting for their watch word, 'Great is whiskey and lager beer.'<sup>82</sup>

The Congregational Herald concurred that the "event had done much for the cause of temperance in illustrating the evils of the traffic in liquor and in [convincing] many hesitating persons to take strong and decided ground as the only hope."<sup>83</sup>

While the Illinois legislature was debating the merits of the Maine Law, it was besieged with petitions from supporters and opponents.<sup>84</sup> After considerable debate, in which it was reported that "the opponents of the bill exercised great ingenuity and talent to defeat it [and] finally yielded when further opposition would be fruitless," the House approved a prohibitory bill on February 2, 1855, and forwarded it to the Senate. The latter body approved the bill by a vote of 17 to 6, "with amendments" on February 9, 1855.<sup>85</sup> Subsequently, the House concurred with the Senate bill on February 12, 1855, with a favorable vote 51 to 17.<sup>86</sup> Governor Matteson signed the bill on February 16, 1855.<sup>87</sup>

A fundamental feature of this bill was that it would not become operative without the supporting vote of the people in a special election which was to be held in three months. Of the seven states and one territory which had adopted prohibitory Maine Laws by this date, only five had submitted the issue to the people<sup>88</sup>. The Chicago Democrat reported concerning the action of the Illinois General Assembly:

The Legislature has enacted a strong, and we trust judicious Prohibitory Law, to go into operation on the first Monday in July next, provided it shall receive the sanction of the voters of this State, at an election to be held on the first Monday in June next. Every friend of temperance and virtue, will see that all our present hopes are centered on the results of this special election, which is to be held at a period of only 90 days distant. Hence there is no time to be lost. Every friend of the cause must be up and running.<sup>89</sup>

The issue of submitting the Maine Law for popular ratification would become a central question in the debates which followed the actual election, particularly among Protestant churchmen. It is apparent that the legislature had been urged to include such a provision. For example, Mr. Cullom, chairman of the House Committee on the Maine Liquor Law, revealed the need for a popular ratification. He stated that "to legislate in advance of public sentiment is improper and impolitic" and that he was "at a loss to know the objections that can be urged against trusting the people with a question coming so completely within the comprehension of every man in the state and pertaining alike to the interest of all."<sup>90</sup> On November 21, 1853, S. Francis, editor of the Illinois Journal, also supported this method of a popular vote and stated that "there is no other way to treat it. A partisan legislature is incapable of deciding such a great, peculiar moral question, and upon the people let the responsibility rest."<sup>91</sup> On March 2, 1854, the Free West, in praising the method of popular ratification, commented that when "people [are] called to vote directly on the question, party politics has no power

to obstruct the free exposition of their will." This procedure, according to this Baptist source, will avoid the problem that "in the heat of party strife, many voters will sacrifice their moral principles to their political predilections."<sup>92</sup> Again, Dr. Smith, of the First Presbyterian Church of Springfield and a legislative chaplain, had earlier said that he hoped the prohibition bill would be submitted to the final decision of the people.<sup>93</sup>

Before the special popular election was held, the Congregational General Association, similar to that of other religious societies, gave no indication that it had any objections to this process. It had resolved that "the vote of the people of this state, on the first Monday in June, is of vast importance to the cause of temperance and religion." And, it stated that "the cause of temperance has been pushed forward to an advanced position and our ministers are interested in securing the law prohibiting the liquor traffic and are working earnestly for that end." This body recommended "that the friends of temperance use every proper effort to secure its adoption; and we especially recommend that all ministers of the gospel call the attention of their congregations to the subject on the first sabbath in June, if they have not done it before."<sup>94</sup>

When the results of the special election were tallied, it was clear that the supporters of prohibition had failed

to muster enough votes. James V. Watson, editor of the North Western Christian Advocate, reported that the total number of votes was 167,336, representing 76,885 for the law and 90,051 against. For Cook County, he gave the vote as 3,807 for and 5,182 against. He commented that this vote was larger than that cast the previous Fall for congressmen and the state treasurer: "Every bacchanalian in the State must have turned out to the rescue of lager-beer and mountain dew."<sup>95</sup>

In another article, this editor, speaking for many reformers, criticized the decision of the legislature to submit the prohibition bill to a popular vote. He questioned "the wisdom of that legislation that would, or did take the power of enacting a law so fraught, as was this, with moral and social interests, out of the hands of those whom we have a right to expect to be intelligent and humane, if not moral and philanthropic, and place it in the hands of the ignorant, the profane, and the abandoned." It was his contention that the legislature had the responsibility to adopt this legislation without a popular vote provision in order to "fulfil their duty as lawmakers in an enlightened republic." He insisted that "our government is not democratic, but republican" and that the legislature had erred by allowing the people to make the decision:

All government has for its object, the good of the governed. And that legislator who considers himself as

much bound by the caprices of vicious constituents, though in the majority, as by the principles of right and justice, or the view and wishes of the wise and good, has entirely mistaken his relation to government and society - forgotten his responsibility to God - and is wholly unfit for his position. <sup>96</sup>

Other contemporaries offered their explanations of the defeat of the Illinois Maine Law. While addressing a meeting of the Sons of Temperance in 1856, the Reverend J. C. Stoughton, of the Methodist Rock River Annual Conference stated that the legislators had produced a poorly drafted bill. He maintained that "it was not the principle of prohibition, directly; but our legislature submitted to the vote of the people, a long, and in many respects, objectionable bill; and in endeavoring to carry the measure on the details of the bill, we were defeated."<sup>97</sup>

Possibly, a more fundamental factor which contributed to the defeat of the Maine Law in Illinois was the political role played by significant numbers of foreigners, particularly Germans and Irish. At this time, immigrants participated in politics "often as soon as they arrived, and this justified special appeals to them by politicians." And, in general, immigrants voted to defeat the temperance reformers "as they had frustrated Sabbatarian campaigns and many of the common school projects."<sup>98</sup> The fear of losing their votes was involved in the legislative decision to compromise on the prohibition issue by approving a popular vote provision."<sup>99</sup> Although opposition to the Maine Law was strong among foreign groups, it alone does not explain

the failure of prohibition in Illinois. After all, they constituted only approximately 19 per cent of the Illinois population during the 1850's.<sup>100</sup> A considerable number of native-born citizens, especially those living in the southern counties and larger urban centers of the state, were evidently opposed to prohibition and to such extreme forms of governmental coercion. There is also evidence to suggest that the immigrant population was divided on the temperance-prohibition question. For instance, within the various Lutheran synods, particularly those consisting of Swedes, Norwegians and even some German, supporters of temperance were to be found both in America and in Europe.<sup>101</sup>

The various denominational groups issued statements following the election failure of the Maine Law as well. The Congregational General Association described it as "a revulsion, which, we believe, will be but temporary."<sup>102</sup> The Illinois Annual Conference of Methodists also regarded the vote as a set-back and not a defeat for the prohibition cause. They said that "corruption, ignorance, prejudice and sordid self-interests had pronounced against that law" and exerted their membership to fight back by using the ballot box and electing representatives to the legislature who were "true to the Temperance Cause."<sup>103</sup> The Methodists at the Rock River Annual Conference adopted similar resolutions deploring the Maine Law defeat, and vowed to support "only

those for office who are known to be in favor of a prohibitory Law, involving the principle of forfeiture and seizure." And, they promised to vote for such candidates "irrespective of all party predilections." These Methodist further pledged to use the pulpit and the press to bring the prohibition issue before the public:

Inasmuch as the pulpit and press are the most effectual means through which our voting population can be reached on this question, we will therefore, both preach and write, while we labor and pray for the legal enactment of a Prohibitory Law.<sup>104</sup>

The Southern Illinois Annual Conference of Methodists adopted a similar statement of support for prohibition, including "that we will not knowingly support candidates for office by our votes who are intemperate men."<sup>105</sup>

By the close of this ante-bellum period, religious leaders of these evangelical denominations would denounce the increasing political character and emphasis of the temperance crusade. They maintained that this weakened the moral arguments "which should be the primary basis of any reform." "Temperance, like other moral issues," these Protestants insisted, "was not to involve political compromises."<sup>106</sup> In lamenting that there were few temperance men any longer actively promoting the cause, they maintained that "unprincipled demagogues have endeavored to even rob [temperance] of its character as a moral question by efforts to foist it into the political platforms of opposing parties, and thus detract from the influence and



usefulness of the minister of the cross."<sup>107</sup> The Peoria Annual Conference of Methodists in September of 1857 further criticized all attempts "to incorporate temperance with political subjects, and thereby forestall ministerial influence against it."<sup>108</sup> The Congregational Association urged its membership to "earnestly engage in labors to promote temperance, and not leave this reform much as they have been wont to do of late, in the hands of those who do not profess religion."<sup>109</sup> Although these evangelical clergymen were apparently concerned with the increased politicizing of the temperance cause, in becoming more of a political than a moral concern and therefore less likely to be viewed as under their province and responsibility, they nevertheless continued to advocate the need for governmental regulations to control intemperance. For example, the Methodist Central Illinois Annual Conference in 1860 resolved "that the past history of temperance reform has demonstrated the necessity of laws prohibiting the sale of intoxicating liquors as a beverage . . . and we will do our utmost, as ministers and Christian citizens, to secure the enacting of such laws by the proper authorities."<sup>110</sup> The Illinois Annual Conference of Methodists also called for political action insisting that "nothing short of State and National prohibition of the dramshops of the country can save it from the curse of intemperance." Unlike the other Methodist Conferences, they in addition asked "all political

parties to put the principle of prohibition in their platforms."<sup>111</sup>

Thus, the acceptance by Protestant clergymen and moral reformers of direct political involvement to advance the temperance cause developed very slowly. The prejudice against clerical political involvement, and the combining of moral and political issues, remained strong until the decades of the 1840 's and 1850's in Illinois and the nation. At this time, a definite trend can be discerned in that increasing numbers of churchmen became more actively involved in attempting to influence directly the political process. Reversing a pattern against political involvement, increasing numbers of clergymen began to call for governmental intervention to resolve some of society's major ills. These clergymen participated in the activities of temperance societies which advocated the exerting of direct political pressure on elected public officials. And, as members of denominational bodies, they helped to adopt resolutions calling on the state legislature and local governance bodies to advance the temperance crusade. These activities provide evidence of a significant departure from the religious traditions of the past which had denounced political involvement in the furtherance of moral issues.<sup>112</sup>

Even though the Maine Law was defeated in Illinois, denominational bodies would continue to forward temperance-

prohibition resolutions to the legislature. The memorial of the Western Yearly Meeting of the Society of Friends in 1858 reveals a continuing humanitarian concern to end the traffic in intoxicating liquors as a beverage and to suppress the evils of intemperance within the state:

We regard it as one of the most solemn obligations and duties devolving upon civil governments to protect society from the inroads of vice, by removing as far as possible all temptations that are calculated to degrade the standard of religion and morality, the preservation and promotion of which are essential to the prosperity, even in temporal matters, of any people, or State. And your memorialists, believing the sale of intoxicating liquors, and their use as a beverage, to be a great, moving, active cause in production of crime and wretchedness, and presenting a formidable barrier to the progress of vital piety, would therefore most respectfully, but earnestly, request that your honorable body pass, at its present session, such a law as will be most efficient to suppress the traffic in intoxicating liquors, and thereby prevent the growing evils of intemperance from spreading in our midst.<sup>113</sup>

The general pattern of Illinois church-state relations which developed during these ante-bellum years in regard to the anti-slavery crusade had similarities with that of the Sabbath and temperance reform movements. The major and most politically active church organizations involved in anti-slavery reform in the state were the same four evangelical groups, Methodists, Baptists, Presbyterians and Congregationalists which had advanced the Sabbatarian and temperance causes. These denominations would also adopt identical tactics in promoting anti-slavery reform as utilized in the other reform causes. Initially, relying on moral persuasion and personal example, they would

increasingly seek government intervention and coercion. To augment their programs to eradicate slavery in the nation, these denominational bodies likewise issued through their local and annual conferences condemnations on human bondage which called for the government to outlaw its existence and called on their respective memberships to use their votes to elect sympathetic governmental representatives.<sup>114</sup>

During the decade of the 1850's, slavery would become the primary reform cause among these churches, completely overshadowing the other reform causes of Sabbath observance and temperance-prohibition. In addition, the slavery issue would become "irrevocably a political question, carried now beyond moral suasion and religious discussion into the realm of legal coercion."<sup>115</sup> The report of the Congregational General Association of Illinois in 1853 reflected the increased political character of both the temperance and slavery issues. This body reported that "the cause of temperance and also of anti-slavery have been temporarily embarrassed by the recent legislation of our state, but it is believed that God will overrule it for good, by making His people feel the necessity of electing such lawmakers and rulers, as He has designated in His word." This church body admonished its voting members "to use greater diligence to secure the election of good men to our legislature, and to waive all party predilections for this purpose."<sup>116</sup> The Illinois Methodist conference in 1854 also asked its people

to use the elective franchise, in this instance, "to effect a repeal of the Fugitive Slave Law, to prevent the further extension of slavery and to secure its final extirpation from the nation."<sup>117</sup> The greater emphasis given to anti-slavery reform was reflected in the statement by a Methodist Committee in 1857 that "the great subject of temperance . . . has been sadly neglected." The Illinois Annual Conference of this same church in addition reported that "leading temperance men have been almost silent" and "the men of the pulpit have lost their wonted zeal in this great cause."<sup>118</sup>

The agitation of clergy in the development of anti-slavery sentiments within the state was a prominent feature of this reform movement. These clergymen basically followed the same pattern which had been adopted to promote Sabbath observance and temperance-prohibition reforms. Some of these men involved themselves individually in the founding and work of various anti-slavery societies, others were more involved corporately in their own denominational groups promoting this reform cause. One of the more active clergymen in promoting anti-slavery and in attempting to influence government policies, was the influential Baptist, John Mason Peck. His writings and speaking efforts between 1822 and 1824, to defeat the calling of a special Constitutional Convention by those who were attempting to incorporate slavery into a new state charter, has been

described as pivotal. The Illinois State Journal stated that he "took a leading and most active part in opposition to the movement and perhaps by his influence and his pen did as much as any man to crush out that foul scheme."<sup>119</sup> It was reported that the clergy of Illinois were almost without exception opposed to this convention and "that they exercised great influence in securing the rejection of the Convention Resolution at the polls."<sup>120</sup> Other clergymen were active, beginning in the early 1830's, in promoting anti-slavery sentiments in Illinois. Elijah Lovejoy, the "New School" Presbyterian preacher and editor, has been credited with significantly augmenting the abolitionist sentiments within the state and nation. His anti-slavery publishing activities, which were as much in defense of the freedom of speech and of the press, led to his violent death and to the achievement of martyrdom status in the abolitionist cause.<sup>121</sup> His brother, Owen Lovejoy, a Congregational pastor, would become a significant clerical reformer in his own right and a respected member of the Illinois House and the United States House of Representatives.<sup>122</sup> The Reverend T. W. Allen and Chauncey Cook [denominational affiliations unknown] were active in the formation of the Illinois Anti-Slavery Society in October of 1837, when only five county societies existed in the entire state. W. T. Allen lectured in behalf of the society, and Chauncey Cook, as travelling secretary, sought

to open auxiliary societies. The Reverend John Cross [denominational affiliation unknown] helped to orchestrate the first meeting of the Illinois State Anti-slavery Convention in February of 1842, which represented the first political state convention of anti-slavery men formed in Illinois.<sup>123</sup> However, in spite of the efforts of these and other clergymen, the anti-slavery movement in Illinois did not receive widespread support from the general population; nor, in general, were the radical methods advocated by many abolitionists embraced by religious societies. Those clergymen who did become involved were mostly from the evangelical denominations or those with northern and New England affiliations. According to a recent study, churches in Illinois with a strong millennialism heritage, with memberships linked to New York and New England, and:

. . . a tradition of judging and criticizing the general society around them, were most likely to accept the responsibility of condemning slaveholding. Churches whose denominations customarily promoted a broad social tolerance and churches that drew apart from society in sect-like exclusivity produced few participants in the anti-slavery crusade.<sup>124</sup>

The prejudice in regard to clergymen becoming involved in politics, or purely political issues, revealed itself especially in the anti-slavery crusade and constituted a significant church-state issue. The sentiments of the Southern Illinois Annual Conference of the Methodist Episcopal Church reflected this societal attitude in 1858 when it resolved that "it is highly improper for itinerant

ministers of the Gospel to take any public part in politics, by seeking after civil office, or making public speeches; believing as we do, that it is a violation of the apostle's admonition 'not to entangle us with the affairs of this life.'"<sup>125</sup> Similar sentiments can be traced to the movement to establish the state's first constitution in 1818 when there was an unsuccessful attempt to exclude clergymen from holding seats in the legislature.<sup>126</sup> However, as in the case of Sabbath and temperance reforms, when social and political problems took on religious and moral overtones, Protestant clergymen generally viewed that they had an obligation, if not a duty, to speak out publicly.<sup>127</sup>

It became a generally held sentiment in Illinois that slavery was a political and social problem, as well as a moral issue, which the state and federal governments were obligated to resolve. As expressed in the North Western Christian Advocate in 1853, it was recognized that the church had no right to interfere in state affairs:

Slavery being a civil, political and social evil, and not being the subject of direct command or interdiction in the moral code; is not a proper or legitimate subject for ecclesiastical legislation. The church as such has no more right to interfere with civil matters, than the civil authorities have to meddle with church affairs.<sup>128</sup>

This editor, James V. Watson, pointed out that it was the responsibility of "church members, as citizens," to regulate civil affairs through the ballot. "For the church, as such, to assume to dictate, govern or control civil affairs," he



stated, "is to unite church and state. If the state laws are wrong, Christians, in their capacity of citizens, may and ought to do their part in making them right. But this does not authorize the church, as such, to assume this right."<sup>129</sup> Thus, churchmen were to speak out when moral issues were involved, to educate the "public mind" and awaken the moral conscience of the community on the need for reform. They were not to dictate social policy but to encourage people to vote their consciences.

An illustration of an attempt to use the public prejudice against the "unauthorized interference" by clergymen in politics was the actions of Senator Stephen Douglas in defense of his Kansas-Nebraska bill.<sup>130</sup> In March of 1854, some three thousand clergymen from New England, "irrespective of sect and including many of the most conservative and moderate denominational groups," protested the passage of this bill in a memorial to Congress.<sup>131</sup> Douglas, and others in the Senate, dismissed their petition "as an exhibition of impious vulgarity without precedent in the history of either branch of the National Councils." Douglas further charged that:

This is an attempt to establish a theocracy to take charge of our politics and our legislation. It is an attempt to make the legislative power of this country subordinate to the church. It is not only to unite church and state, but to put the State in subordination to the Church. Sir, you cannot find in the most despotic countries, in the darkest ages, a bolder attempt on the part of ministers of the Gospel to usurp the powers of Government.<sup>132</sup>

The Chicago Daily Tribune commented on Douglas' allegations:

The clergy, in his eyes, were a traitorous, crafty, designing and grasping race of demagogues, who burned with an ambition to bind the strong arm of the civil power to the support of their faith and practice; who sought to rule the people in all their political and social action; and who, if not watched and thwarted, would sap and destroy the foundations of the prosperity of the Republic.<sup>133</sup>

On March 27, 1854, a convention of some twenty-five Chicago clergymen met at the Clark Street Methodist Episcopal Church to formulate their own protest of the territorial bill before Congress.<sup>134</sup> The North Western Christian Advocate reported that "the meeting was largely attended by almost the entire Protestant clergy of the City" and that they "were unreservedly opposed to the bill."<sup>135</sup> Acting "in their official character as Ministers of the Gospel and as citizens," these men adopted an almost verbatim document to that drafted earlier by the New England clergy and forwarded it to Congress. This common remonstrance read:

The undersigned clergymen, do solemnly protest against the passage of what is known as the Nebraska bill, or any repeal or modification of existing legal prohibitions of Slavery in that part of our national domain which it is proposed to organize into the territory of Nebraska and Kansas.

We protest against it as a great moral wrong; as a breach of faith eminently injurious to the moral principle of the community, and subversive of all confidence in national engagements, as a matter full of danger to the peace and even existence of our beloved Union, and exposing us to the righteous judgments of the Almighty.<sup>136</sup>

These Illinois clergymen further stated that it was

their duty to declare and enforce God's will in regard to moral and religious truth. And, although disclaiming any desire to "interfere in questions of war and policy, or mingle in the conflicts of political parties," they maintained their obligation to proclaim "the moral bearing of such questions." They also deplored the reception which the memorial from the New England clergymen had received in Congress, "especially by the senators from Illinois and Indiana," and regarded it as an "outrage upon the privileges of a large and respectable body of citizens . . . ." <sup>137</sup>

T. A. Stewart, editor of the Chicago Daily News, praised the action of these clergymen ". . . bound by the obligation of their high and holy calling, to stand as sentinels upon the watch-tower of our civil as well as our religious liberties, and to sound the alarm whenever danger threatens them. They are only discharging their duty in thus entering their protest against the Nebraska infamy . . . ." <sup>138</sup> Earlier, on February 22, 1854, this same editor had commented that when the clergy were in support of governmental policies, they were not criticized. He insisted that "the outcry against religious interference in the arena of politics comes from bad grace from those who in 1850 . . . [had] urged their ministry to preach to their congregations on the importance of submitting to their measures." He noted that "we did not hear the cry of fanaticism then." He also mentioned that the Methodist

press had "arrayed itself on the side of freedom in this controversy."<sup>139</sup>

Douglas rebuked the Chicago clergymen, as he had those from New England, for their presumption in attempting to express their opinions upon matters of national politics. He accused them of a desire to unite church and state, and of "asserting a divine power in the clergy of this country higher than the obligation, and above the sovereignty of the people of the States . . . to vote in a particular way." In his opinion, they were attempting "to force an issue upon this point with the civil and political powers of the Republic." Douglas also charged that their act was "in derogation of the Constitution, subversive of all the guarantees of civil and religious liberty." Rejecting their claim to divine prerogatives or "inspired truth and obligations" to speak out on moral issues, he questioned why people should elect legislatures if their validity depended upon the sanction of divine authority? "The will of the people, expressed in obedience to the forms and provisions of the Constitution," he insisted, "was the supreme law of the land" and the claim to the supremacy of "this divinely-appointed institution is subversive to the fundamental principles upon which our republican system rests." "Nowhere," he asserted, "in the Constitution or laws of any of the States, or of the United States, is there to be found a provision constituting or recognizing you and your

brethren the divinely-appointed institution for the declaration and enforcement of God's will; and therefore, in your character as a body of ministers, you cannot claim any political power under our system of government."<sup>140</sup>

Subsequently, the Chicago Democrat criticized Douglas for refusing to acknowledge the right of these men to petition and remonstrate, for "casting obloquy and disrespect upon a large and reputable class of his constituents because they are clergymen and for "perverting and misrepresenting their language . . . ." <sup>141</sup>

During the decade of the 1850's, the various evangelical denominations adopted resolutions protesting specific territorial compromises enacted by Congress to protect and expand the institution of slavery into the western territories. The substance of their positions was that the government had a responsibility to eradicate slavery from the nation and that laws which favored slavery violated natural rights and civil liberties. Following the passage of the Compromise of 1850, the General Assembly of the Presbyterian Church in the USA forwarded a memorial to Congress "expressive of the sense of the Presbyterian people of the United States" on the importance of maintaining the "National Union and the Federal Constitution."<sup>142</sup> This national gathering had the year before expressed its views on the existence of slavery in the nation and stated that "it looked to the secular legislatures to remove it."<sup>143</sup>

specifically concerning the fugitive slave provision in this compromise, the Third Presbyterian Church of Chicago resolved in 1851 that it was "grieved to see wickedness triumphant in our General Government and Legislature. That the late Act for the reclamation of fugitive slaves is, in our opinion, unchristian, inhuman and abhorrent to our feelings, and that we do not feel called upon to aid or countenance its enforcement."<sup>144</sup> The Illinois Annual Conference of the Methodist Episcopal Church similarly resolved in 1855 that it considered this law to be "immoral in its principle, in its details repugnant to the spirit of the Constitution, and in its execution an outrage upon the feelings of humanity."<sup>145</sup> This body appealed to the Illinois legislature "to use every constitutional effort in their power to secure the abrogation of laws oppressive of such of the free people of color as may desire an asylum within our borders, to secure the right of giving testimony in a court of justice, and a provision for the education of their children."<sup>146</sup> The North Illinois Annual Conference of the Methodist Protestant Church likewise adopted a resolution condemning this law "as a most atrocious effort to abrogate the law of God, which we regard as the higher law - binding and controlling our conduct in relations to our fellow men, and we cannot obey it."<sup>147</sup> The Congregational Herald on August 18, 1854, declared "the fugitive slave law to be the most nefarious plan of darkness

known to us."<sup>148</sup> The General Association of Illinois, also representing Congregationalists, in 1859 "expressed sympathy" for those in the northern states involved in violating the Fugitive Slave Law and for those "suffering persecution at the hands of the officers of the United States Government."<sup>149</sup> The Aurora Congregational Church on November 12, 1851 vowed "to expose the injustice and unrighteousness of all legislative enactments which are opposed to the true liberties of mankind, to the law of God and the principles of the Gospel."<sup>150</sup>

With the passage of the Kansas-Nebraska Bill of 1854, some of these evangelical bodies responded with resolutions denouncing this legislation. The Illinois Annual Conference of the Methodist Episcopal Church resolved that it considered this bill to be "an alarming exhibition of the slave power, surpassed in atrocity only by the Fugitive Slave Law of 1850."<sup>151</sup> The membership of the Congregational Church of Farmington, Illinois, expressed their concern that "the efforts of the slaveholders of the South and their allies of the North to open the territories of Kansas and Nebraska to the ingress of slavery, is a just cause of alarm and apprehension to all friends of civil liberty." This congregation in addition condemned the South for "their utter disregard to the sacredness and binding force of the compromises of 1820 and 1850."<sup>152</sup>

Evangelical churches also decried the Dred Scott

decision which invalidated all previous congressional settlements on slavery in the territories and denied civil rights to those in bondage. The Congregational churches in Illinois resolved in 1857 that this action of the Supreme Court was in direct conflict with the "supreme law" and the "providential government of God." In addition, they stated that it was "an atrocious decision" and not "a fair exposition of the spirit and import of our national constitution" or of "the known opinions and principles of the founders of this nation." As a consequence, they issued a challenge to the governing authorities by declaring that "[the Dred Scott decision] has no claim of any sort to be regarded or treated as the law of this land."<sup>153</sup>

In these denominational remonstrances, some basic themes associated with the classical republicanism of the late 18th century Revolutionary era as well as those associated with 19th century democratic liberalism were evident. In this regard, the republican concerns of these churchmen in promoting the public interest in civic virtue and the stability and order of society, were joined with liberal concerns in protecting individual rights and liberties, sentiments associated with the democratic philosophies of John Locke. These clergymen were at this time equating their own self-interests and the best interests of society as a whole with the opposition to the continued existence and spread of slavery in the nation.



likewise affirmed that slavery was a violation of "natural rights and civil liberties."<sup>156</sup> A meeting of "colored people of Chicago" at the African Church [denominational affiliation unknown] on October 8, 1850, denounced the Fugitive Slave Bill and pledged to defend themselves against the "infamous law." They vowed: "We who have tasted freedom, are ready to exclaim in the language of the brave Patrick Henry, 'Give us liberty or give us death.'"<sup>157</sup> The Rock River Quarterly Meeting of the Free-Will Baptists, assembled at Paw Paw Grove, Illinois, in December of 1850, also declared the Fugitive Slave Law to be "a nefarious scheme, unjust and unchristian" and a threat to republican freedoms and liberties.<sup>158</sup> This body resolved that "the plains of the Prairie State are not the appropriate shooting grounds for Southern despots for the hunting of men whose only crime is love of life, liberty, and the pursuit of happiness." Furthermore, they stated that the Fugitive Slave Law was "at war with Republicanism, Reason, Revelation and God, and we will not cease to seek its destruction by all lawful means within our reach."<sup>159</sup> The membership of the First Presbyterian Church of Chicago declared their sentiments on the Fugitive Slave Law in November of 1850. Drawing in part on the democratic ideology of the Declaration of Independence, this body declared that "governments may become so oppressive as to authorize revolution" and "particular laws may be enacted so palpably

opposed to the law of God, as to require Christians to disobey them." This assemblage expressed its abhorrence with the lack of civil protections in this bill in that there were no provisions for cross-examining witnesses, for rebutting testimony, or for appeal.<sup>160</sup> At a meeting of three evangelical Christian denominations, held in New Michigan, Illinois, it was resolved that the Fugitive Slave Law was in direct contravention with the law of God and therefore this body pledged itself "to give aid and comfort to the fugitive, as often as we have opportunity." These churchmen also based their remonstrance on the democratic ideology of the Declaration of Independence: "We believe that human governments are instituted for the protection of man's natural rights, and derive their just powers from the consent of the governed" and that "slavery robs man of his valuable rights."<sup>161</sup> Likewise responding to the policies adopted by the federal government, the Congregational General Association of Illinois reported in 1852 that its ministers and churches had manifested "their undiminished attachment to the fundamental principle of civil and religious freedom." It further added that "when any law is in irreconcilable conflict with the law of God, we must obey God rather than man." In 1856, these Congregationalists referred to the "perilous state of liberty in our country" due to "the fearful aggressions of the slave power, more especially by the efforts made to subject the free territory

of Kansas to its unrighteous and despotic rule." They also expressed their support for "the noble champions of freedom, who, at great sacrifice, are boldly defending themselves against the aggressors." This church body concluded "that the predominance of slavery in our land would involve the perversion of our republican institutions to the worst forms and purposes of despotism."<sup>162</sup> And, finally, the Unitarian churches meeting in Alton, Illinois, in May of 1857, found so much division within their membership in regard to the slavery issue that no resolutions could be adopted. One proposed resolution declared that the Constitution was a failure and that the Dred Scott case had no binding power.<sup>163</sup>

Among the defenders of the principles of republican government during the agitation over slavery was the "the best-known Baptist missionary on the Mississippi Valley frontier" and Sabbath and temperance reformer, John Mason Peck.<sup>164</sup> His correspondence revealed not only his concern for threats to civil freedoms but to the Union itself. On January 6, 1845, writing to a friend in Philadelphia, who was engaged in founding a Baptist newspaper, Peck warned against including any antislavery propaganda in the new publication. He wrote: "that the subject to be discussed in any way or form will be fatal to any union or cooperation" among Baptists in Illinois. Although he viewed that "no Baptist in the State probably will justify or advocate

slavery . . . all have different and conflicting notions and cannot agree." He urged his friend to "leave out the slavery question and all other topics that do not come within the legitimate range of the Constitution."<sup>165</sup> On April 4, 1850, Peck wrote that he had given a speech of over an hour in Belleville, Illinois, against the Wilmot Proviso "and all other political mistakes." He said that he had "urged politicians to throw all doubtful and extreme questions to the wind, and carry out, as interpreted by the 'Fathers,' the plain principles of the Constitution."<sup>166</sup> Again, in denouncing the Kansas-Nebraska Bill in 1856, he expressed his fear of the growing threats to the stability of the nation. He wrote: "I have never before seen our country in such a dangerous position, and when so great a probability existed that our Union will be rent." He charged the Buchanan administration with breaking with the political traditions of the past. He said they were "a set of unprincipled villains. They call themselves National Democrats, and yet in reference to the slavery question, intercourse with foreign nations, and the principles they avow about Kansas - they have disavowed, repudiated and nullified every principle on those topics held and maintained by Washington, Jefferson, the Adams, Madison, Monroe and Andrew Jackson." It was his contention that they had adopted "the traitorous principles of the South Carolina nullifier of 1832, John C. Calhoun, the first American in

public life to broach the abominable heresy that the Constitution carries slavery with it into all the Territories of the United States." He also said Stephen Douglas, . . . was "like the Indians in Missouri who 'talked out of two mouths' pretending to hold the old doctrine of our fathers, that slavery cannot exist where there is not support or municipal law and now . . . approves of the course pursued by the 'Free State Men' in relation to Kansas. But no man, unless he is a desperado, can approve of the opposite faction." Peck concluded by stating that if he were younger, he would have been active in creating "an antislavery organization in every county, and a club in every precinct. Organize, organize. Making stump speeches does well enough to arouse the people, but quiet and private arrangements will produce the votes."<sup>167</sup> It was quite obvious that Peck was consistent in his advocacy of a moderate position to open and public anti-slavery agitation.

In addressing the reform issues of Sabbath observance, temperance and antislavery, the popular understanding, particularly among evangelical Protestant groups, of the constitutional provisions calling for the separation of church and state, in both the Constitutions of Illinois and the United States, would be considerably enlarged. Initially for many people, the separation of religious institutions from those of the state meant that religious organizations and their clergymen were not to engage

directly in partisan debates and controversies; although it was generally recognized that these men had the right, as citizens and ministers of the gospel, to speak publicly in support or disapproval of any law passed by the legislature or ordinance of local governance bodies which threatened the welfare of society. Nevertheless, they were to avoid politics because it potentially involved compromising moral principles. As advocates of various moral causes, they were not to accept political settlements based on consensus and compromise. In essence, politics was viewed to be corruptive of moral ends and of all who became involved in the political process.<sup>168</sup> Therefore, the method of the Protestant reformer was moral persuasion, or what contemporaries referred to as "moral suasion." This involved the attempt to educate the public through exhortation and to allow them to vote their own consciences. As expressed in the North Western Christian Advocate in 1853, the proper "modus operandi" of the church was that it "must labor to purify the public mind but must not dictate to it particular courses of action."<sup>169</sup> In their struggles to stem the decline in the public observance of the Sabbath and to promote the causes of liquor and anti-slavery reform, increasing numbers of clergymen came to realize the necessity for more direct political involvement in the debates on public issues and for pressuring governmental authorities to take decisive action to advance these reform

causes. Thus, one of the major themes which developed during the closing decades of this pre-Civil War era was the attempt of clergymen, and other reformers, to enlist the support of the civil powers in the cause of reform. The former reliance of clergymen on personal example and moral suasion to advance reform would be modified, if not at times replaced, with an emphasis on this restrictive "arm of the law" or the political approach of offering legal remedies to resolve some of society's major social and moral problems.

## NOTES

1. One of the aspects of classical republicanism was an interest in the promotion of the well-being of society as a whole, as opposed to the interests of the individual. See: Jean Baker, "From Belief into Culture: Republicanism in the Antebellum North," in Joyce Appleby, ed., "Republicanism in the History and Historiography of the United States," Special Issue of American Quarterly 37 (Fall 1985): 535.

2. Rowland Berthoff, An Unsettled People: Social Order and Disorder in American History (New York: Harper and Row, 1971), 234. Berthoff developed this theme of the conservative reaction in the early 19th century of clergymen to the forces of individualism, materialism and change. He explained the reform movements of this period to be in part conservative reactions of the old order, "class, family, community and church," to the social fragmentation and materialism introduced by the diversity of immigrant groups into the American scene. In response to the loss of moral authority and influence of the church as an institution, he stated that clergymen took the lead in organizing voluntary associations to extend their influence and to help alleviate the forces of social disorder and anxiety.

3. Joseph R. Gusfield, Symbolic Crusade: Status Politics and the American Temperance Movement (Urbana: University of Illinois Press, 1963), 36-37. Gusfield suggested this theme in his sociological study of the temperance movement and his emphasis on "self-interest status needs." He stated that there were two phases to the development of the American temperance movement in the period, 1826 to 1860. The first involved the reaction of the old aristocracy to the loss of political, social and religious dominance in American society. It also represented an effort to reestablish control over the increasingly powerful middle classes making up the American 'common man.' The second phase represented the efforts of the urban, native Americans to consolidate their middle class respectability through a sharpened distinction between their life styles and those of the immigrant and the marginal laborer or farmer.

4. W. J. Rorabaugh, The Alcoholic Republic: An American Tradition (New York: Oxford University Press, 1979) 35. Rorabaugh stated that the two movements of slavery and



temperance overlapped and that the early reformers of the 1830's "considered temperance to be the most crucial reform." See: 214.

5. Illinois Laws, First General Assembly, Second Session, 1819, 123.

6. Ibid., Second General Assembly, First Session, 1820-21, 48, "An Act for the Prevention of Vice and Immorality."

7. Revised Code of Laws of Illinois, Sixth General Assembly, December 1828-1829 (Cincinnati: Alexander F. Grant and Company, 1829), 138-139. These provisions were further included in "An Act to Preserve the Good Order in All Worshipping Congregations and Societies in the State" enacted in 1833.

8. Chicago Democrat, 14 May 1855. This paper presented the Sunday Laws which were in effect as of this date: Sec. 127. If any person . . . shall keep open any tippling house on the Sabbath Day or night . . . shall, on conviction, be fined not exceeding one hundred dollars, or imprisonment not exceeding six months. Section 144. Any person who shall hereafter knowingly disturb the peace and good order of the society by labor or amusement on the first day of the week, commonly called Sunday, (works of charity and necessity exempted,) shall be fined, upon conviction thereof, in any sum not exceeding five dollars. Sec. 145. The proceeding section shall not be construed to prevent watermen from landing their passengers, loading and unloading their cargoes, or ferrymen from carrying over the water, travelers, or persons moving with their families on the first day of the week; not prevent the due exercise of the rights of conscience of any person who may think proper to keep any other day as a Sabbath, than the first day of the week. Sec. 146. Whoever shall be guilty of any noise, rout or amusement on the first day of the week, called Sunday, whereby the peace of any private family may be disturbed, such person, so offending, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not exceeding \$25. Sec. 147. Any person who shall, by menace, profane swearing, vulgar language, or any disorderly or immoral conduct, interrupt and disturb any congregation or collection of citizens assembled together for the purpose of worshipping Almighty God, or who shall sell, or attempt to sell, or otherwise dispose of ardent spirits of liquors, or any articles, which will tend to disturb any worshipping congregation or collection of people, within one mile of such place, unless the person so selling or disposing of said spirituous liquors or articles shall be regularly licensed to keep a tavern or grocery, any

person so offending shall be deemed guilty of a high misdemeanor, and upon conviction shall be fined, in any sum not exceeding \$50 . . . . Sec. 148 [laws under the jurisdiction of the Justices of the Peace]. Sec. 149 [provided the right of a jury trial]. Sec. 150 [provided the right to appeal].

9. Chicago Democrat, 22 January 1859.

10. Sangamon Journal, 27 April 1840. Section 15.

11. *Ibid.*, 16 February 1841.

12. Chicago Democrat, 17 October 1853.

13. *Ibid.*, 27 August 1859.

14. *Ibid.*, 8 October 1859.

15. *Ibid.*, 30 January 1853, "Liquor Traffic of Chicago." Reverend Kenyon was pastor of the Tabernacle Baptist Church in Chicago, Illinois.

16. Sangamon Journal, 9 April 1850, reported that the petition was tabled by the Senate.

17. Minutes of the Southern Illinois Annual Conference of the Methodist Episcopal Church (Cincinnati: R. P. Thompson, 1860) 34 and 1861, 29. These sources listed the violations of the religious and moral Sabbath code to include the conducting of unnecessary business, social visiting, reading of secular books and newspapers, attending popular amusements and entertainments, the running of stage-coaches, canal boats, trains and steamboats, and beginning in 1825, the visiting of Post Offices. Minutes of the General Assembly of the Presbyterian Church in the United States of America, 1850, 338-339. This denominational gathering listed sinful amusements as "dancing parties, card playing and other games (billiards, chess), theatrical or circus performances and comical exhibitions. For an argument in defense of the Congressional refusal to discontinue the Sabbath mails, see: Richard M. Johnson's report in the U. S. Senate "On the Subject of Mails on the Sabbath," 19 January 1829, in John F. Wilson, Church and State in American History (New York: D. C. Heath and Company, 1965), 100-101. Johnson claimed that this practice did not interfere with the right of religious conscience.

18. Although concerned with the violations of Sabbath-keeping, it would appear that the movement evoked less interest and support among Lutherans. See: E. Clifford Nelson, ed., The Lutheran Church in North America

(Philadelphia: Fortress Press, 1980), 141. Nelson asserted that in 1839, four Lutheran Synods did adopt resolutions against the misuse of the Sabbath, one even calling for the "entire abstinence" of liquor consumption on that day. The General Synod in 1843 also encouraged ministers and members to observe "this holy day." In all these actions, the emphasis was on personal behavior rather than public action.

19. Sangamon Journal, 15 July 1847.

20. Ibid., 1 June 1848.

21. Congregational Herald, 26 May 1854.

22. Minutes of the Southern Illinois Annual Conference of the Methodist Episcopal Church, 1858, 16.

23. Minutes of the Presbyterian Church in the United States of America, 1853, 600.

24. Minutes of the Wisconsin Annual Conference of the Methodist Episcopal Church (Milwaukee: Jermain and Brightman, 1867), 33-35.

25. Minutes of the Illinois Annual Conference of the Methodist Episcopal Church, 1852, 15.

26. The Minutes of the Illinois Annual Conference of the Methodist Episcopal Church, 1852, 33; 1854, 21; 1863, 22.

27. The Minutes of the South-Eastern Indiana Conference of the Methodist Episcopal Church (Indianapolis: Downey, Brouse, Butler and Company, 1868), 152, reported that the opponents of the Sunday laws "are our worst class of citizens; most of them destitute of moral character. It is a source of regret to us that the foreigners who have fled to America for liberty, would bring hither the chain that bound them, that we and they may be bound by the same baneful fetters. It is also a source of alarm . . . that for party success, politicians and office-seekers will yield to this anti-Christian demand for the annulling of this ancient institution. We denounce as worse than a Judas him who will sell the Sabbath for its enemies votes."

28. Minutes of the Illinois Annual Conference of the Methodist Episcopal Church, 1863, 21-22. See also: 1868, 26. This Conference resolved: "We deplore the efforts made by evil disposed men, aided in some cases by the press and pulpit; and connived at by some in authority, to remove the legal restraints that guard the Sabbath." See also: 1870, 51. "We will withhold our support from any political party

that attempts to connive at the removal of the laws that guard it as a day of worship. . . . The duty to keep the sabbath day is equally binding upon all classes and conditions of men."

29. Minutes of the General Assembly of the Presbyterian Church (Philadelphia: Presbyterian Board of Publications, 1860), 316.

30. Minutes of the Rock River Annual Conference of the Methodist Episcopal Church (typed manuscript, 1843), 102. See also: 1875, 52.

31. John G. Woolley et al., Temperance Progress in the Century (Philadelphia: Linscott Publishing Company, 1903), 447. Woolley stated that in temperance reform the Quakers were the pioneer religious sect, active since 1745.

32. Minutes of the Rock River Annual Conference of the Methodist Episcopal Church, 1843, 102.

33. The term 'temperance' implied the moderate use of alcoholic beverages, and was the initial goal of the movement. However, by the early 1830's, the reform objective had generally shifted to an emphasis on total abstinence, although the term temperance continued to be widely used. Although, in 1836, the American Temperance Union substituted in its literature the term total abstinence for temperance.

34. Some indication of the variety of roles exercised by clergymen in the temperance crusade can be seen from the following references: The Reverend John McDonald in 1832 was president of the North West Temperance Society, and the Reverend R. Hunt was vice-president, Sangamon Journal, 5 April 1832; The Reverend Berger held meetings of the Sangamon County Temperance Society in his home, Sangamon Journal, 21 November 1836; the Reverend John Mason Peck acted as vice-president of the Illinois State Temperance Convention, Sangamon Journal, 26 January 1853; the Reverend R.C. Crampton lectured in some twenty-one counties of the state for the Illinois State Maine Law Alliance, North Western Christian Advocate, 26 April 1854; and, the Reverend F. Yates served on the executive committee of the Illinois Maine Law Alliance, North Western Christian Advocate, 19 July 1854.

35. Mark Wyman, Immigrants in the Valley: Irish, German and Americans in the Upper Mississippi Country, 1830-1860 (Chicago: Nelson-Hall, 1984), 184.

36. Among the most important of these groups operating within Illinois were, the American Temperance Union (1823), the American Temperance Society (1826), and the Order of the Sons of Temperance (1842). Most of these groups incorporated an evangelical religious dimension. The major exception was the Washington Temperance Society, or "Washingtonians" (1840), which was briefly active within the state. This organization was not supported by clergymen or denominational organizations to the same degree as the other national temperance societies. The Washingtonian's unique approach of using "reformed drunkards" to spread their moral reform message, their lack of religious sponsorship, their lack of interest in legislative remedies of reform, and their secrecy, alienated them from many churchmen. See: Tyler, 345. North Western Christian Advocate, 14 February 1855, stated that these "reformed drunkards" did help people to realize the need for prohibition. Norman H. Clark, Deliver Us From Evil: An Interpretation of American Prohibition (New York: Norton and Company, Inc., 1976), 33. Clark stated that "an interesting and distinctive feature of their work was their formal indifference to religion; many of the men were atheists, simply not at all concerned with the churchly implications of personal or social reform." R.V. Dodge, Address Before the Sons of Temperance of Springfield, Delivered on the 4th of July 1849 (Springfield: Illinois Organ, 1849), 5. Reverend Dodge praised the Washingtonians in this address and stated that "from their movement, one thing has undoubtedly resulted. It has created more or less of a public sentiment in favor of our cause, and in antagonism to open intemperance."

37. Minutes of the Rock River Annual Conference of the Methodist Episcopal Church, 1860, 14.

38. Illinois Laws, First General Assembly, Second Session, 1819, 77-80. Reference: "An act to license and regulate taverns."

39. Chicago Democrat, 7 February 1832. See: Illinois Laws, Ninth General Assembly, 1835, 134, set the fee at \$50.00; Illinois Laws, Tenth General Assembly, 1837, 326, exempted beer and cider; Illinois Laws, Eleventh General Assembly, 1839, 72, applied to groceries; Illinois Laws, Twelfth General Assembly, 1841, 178, provided further amendments.

40. North Western Christian Advocate, 16 August 1854.

41. Ibid., 2 January 1856. Sangamon Journal, 2 December 1847 presented a representative anti-licensing statement by the Grand Jury for the County of Sangamon: "The licensing the sale of intoxicating drinks . . . brings into

existence all manner of crime and especially the corruption of the youth. We deem it the foundation of more than three-fourths of all the crimes that exist in our community. Experience proves fully that a grog-shop, or drunkery, is the most demoralizing and corrupting system, with which any community has been cursed."

42. Ibid., 11 July 1851 commented on the confusion which this law created in Chicago. It appeared that in the revised charter granted by the legislature that the city was exempted from this law. The question was raised: did the legislature have the right to exempt Chicago from the operation of a general law? North Western Christian Advocate, 22 March 1855, commented that this bill in addition included the provisions that the liquor was not to be drank on the premises where sold, or sold to persons under eighteen, with penalties ranging from \$25.00 for the first offense to \$100.00 for the second violation.

43. North Western Christian Advocate, 22 January 1854.

44. Illinois Journal, 8 February 1853. Illinois Laws, Eighteenth General Assembly, 1853, 91-92.

45. North Western Christian Advocate, 20 April 1853.

46. For a description of Neal Dow's career in the prohibition movement in Maine, see: John Kobler, Ardent Spirits: The Rise and Fall of Prohibition (New York: Putnam's Sons, 1973), 76-91.

47. Tyler, 347. For the background of the adoption of the first Maine Law and the general prohibition movement, see: Lebbeus Armstrong, The Temperance Reformation: Its History, from the Organization of the First Temperance Society to the Adoption of the Liquor Law of Maine (New York: Fowlers & Wells, 1853); Henry Wheeler, Methodism and the Temperance Reformation (Cincinnati: Walden & Stowe, 1882); John Allen Krout, The Origins of Prohibition (New York: Columbia University, 1925); Ian R. Tyrrell, Sobering Up: From Temperance to Prohibition in Antebellum America, 1800-1860 (Westport, Connecticut: Greenfield Publishing, 1979). The Western Christian, 14 December 1852, gave the date of the adoption of the first Maine Law as June 2, 1851.

48. Wesley Norton, Religious Newspapers in the Old Northwest to 1861: A History, Biography, and Record of Opinion (Athens, Ohio: Ohio University Press, 1977), 136.

49. The Temperance Messenger of Chicago, 6 September 1851.

50. Tyler, 348. Kobler, 90. Commenting on the progress of the national prohibition movement, Kobler stated that "of the thirteen States which had enacted prohibitory laws since 1851, seven had repealed or radically modified them, and before many more years elapsed Maine would stand alone as a dry State."

51. Chicago Democrat, 11 January 1853.

52. Illinois Journal, 31 January 1853.

53. Chicago Democrat, 4 March 1854.

54. North Western Christian Advocate, 15 November 1854.

55. Chicago Daily Tribune, 9 December 1853.

56. Illinois Journal, 23 February 1854.

57. Ibid., 24 February 1854.

58. Minutes of the Illinois Annual Conference of the Methodist Episcopal Church, 1853, 35-36.

59. Ibid., 1854, 21.

60. Minutes of the Rock River Annual Conference of the Methodist Episcopal Church, 1853, 22. The General Conference, or national body of this church body, gave its approval to the prohibition laws which were being passed by the several states and resolved: "That we greatly rejoice in the recent manifestations of public sentiment upon [temperance;] and especially, that God is putting it into the hearts of civil rulers to interpose the authority of the State for the protection of society against what we hold to be an enormous social wrong - the manufacture and sale of intoxicating drinks." See also: Minutes of the General Conference of the Methodist Episcopal Church, 1852, 163.

61. Minutes of the Rock River Annual Conference of the Methodist Episcopal Church, 1854, 24.

62. Minutes of the General Association of Illinois (Peoria: Benjamin Foster, 1854), 12. This body also voted to support the State temperance paper, The Maine Law Alliance.

63. Congregational Herald, 28 April 1854.

64. Chicago Daily Tribune, 23 January 1853; Illinois Journal, 20 October 1853.

65. The Minutes of the Thirty-Fourth Annual Meeting of the South District Baptist Association, Pleasant Ridge, St. Clair County, September 28 to October 1, 1854 (St. Louis: Ustick and Studley, Company, 1854), 6-7.

66. Minutes of the Thirty-Eighth Annual Meeting of the South District Baptist Association, 1858, 9.

67. Minutes of the General Assembly of the Presbyterian Church in the United States of America (New York: William Osborn, 1852), 181.

68. Chicago Daily Tribune, 23 January 1854. The Presbyterian Synod of Illinois resolved in 1853 "that . . . feeling the necessity in this State of a law prohibitory of the manufacture and sale of alcoholic liquors for beverages, recommend to the ministers and churches, and the public at large, to take such action as shall be calculated to secure the speedy passage of a law containing the principles of the so-called Maine Law." Minutes of the Third Session of the Evangelical Lutheran Synod of Northern Illinois (Chicago: Fulton and Company, 1853), 16-17. The Evangelical Lutheran Synod of Northern Illinois meeting at Galesburg, gave its support for the Maine Law movement likewise in 1853: "Whereas the use of ardent spirits as a beverage has been and still is the scourge of our land; and whereas the efforts hitherto employed to remove this great and crying evil, being merely of the nature of moral suasion, have proved inadequate; and whereas the community generally are looking and earnestly asking for a law, which shall totally suppress the traffic, by giving to the proper civil officers the right to search, and to destroy that, whenever and whatever is found . . . . Resolved, That we, as a Synod, and individuals, will give our influence to the introduction and establishment of a 'liquor law,' that shall be similar in its provisions to the 'Maine Law,' for the total suppression of this evil." This action was in response to the resolution enacted by the national Lutheran Synod, which had gathered earlier in Winchester, Virginia, in support of the Maine Law principle. See: Proceedings of the Evangelical Lutheran Church in the United States, convened in Winchester, Virginia, May 21, 1853 (Harrisburg: Royal and Schroyer, 1853), 47.

69. Chicago Daily Tribune, 20 March 1854. References quoted from The Tablet article "Roman Catholicism and the Maine Law."

70. Catholic Vindicator, 12 August 1853. Illinois State Journal, 11 May 1855, quoted in the Ottawa Free Trader, 5 May 1855. Some Catholics disagreed with the views expressed in this publication. In May of 1855, Father J. O.



Rilley of La Salle, Illinois, publicly supported the Maine Law. He was quoted in the Illinois press as a "friend of the liquor law" and that he "hoped all those who have any confidence in him or respect for his opinions, or teachings [as a priest] would follow his example." Illinois State Journal, 23 March 1855, reported that the Bishop of Dubuque had urged the clergymen in his diocese to favor the passage of a prohibitory law in Iowa; Chicago Democrat, 6 March 1858, reported that Bishop Bayley of New Jersey had issued a letter against drunkards and liquor dealers stating "that if they continued in the practice, they must do it as outcasts from the Catholic Church, who have no right to the name catholic while they live, nor to Christian burial when they die."

71. Chicago Daily Tribune, 23 January 1854.

72. Ibid., 5 May 1855, "In Favor of Prohibition."

73. Chicago Democrat, 9 December 1854.

74. Ibid., 24 March 1855.

75. Illinois Journal, 11 February 1853.

76. Ibid., 19 January 1853. The North Western Christian Advocate, 19 July 1854 noted that St. Claire County was "the stronghold of opposition to prohibition and temperance reform" in the state. It reported in 1854, the city of Belleville, in this county, with a population of nearly 7,000, "had two large distilleries, several large breweries, 70 liquor and beer shops, and not a single temperance society in the City, nor any temperance meetings for some two years."

77. North Western Christian Advocate, 17 July 1854. Reverend Yates was formerly the proprietor and editor of the Michigan Temperance Advocate and left this post to lecture in Illinois. See: North Western Christian Advocate 24 May 1854.

78. "Quincy Citizen Petition to the Legislature of the State of Illinois, January 6, 1855," State Archives Collection, Springfield, Illinois.

79. Chicago Daily Tribune, 23 September 1853, mentioned that violence erupted in La Salle over liquor regulations. John Bodnar, The Transplanted: A History of Immigrants in Urban America (Bloomington: Indiana University Press, 1987), 151. Bodnar stated that "most of the two million Irish who migrated between 1847 and 1860, much like their German counterparts, were rather weak in the practice

of religion" and in "drinking and violence were excessive."

80. Wyman, 216. Mayor Levi Boone was a Know-Nothing politician.

81. Chicago Daily Tribune, 23 April 1855, provided details of the violence. See also: Illinois State Journal, 26 April 1855, "Mob Spirit of 1855." This editor noted the anti-Catholic sentiments which were linked to the Irish.

82. Wyman, 195.

83. Congregational Herald, 26 April 1855. It commented that: "On Saturday, ignorant men, inflamed with intoxicating drink and urged on by designing persons too shrewd and cowardly to engage personally in the traffic, came in conflict with the city authorities and learned to their cost the folly of resisting the government."

84. North Western Christian Advocate, 12 July 1853. Responding to the inaction of the legislature in adopting a prohibition law, this paper stated: "We have sent up a few petitions, asking our legislature to give us the law, and this was all. We might have known they would not grant it. [This] has taught us some very valuable lessons; it has taught us the folly of asking toppers and drunkards to pass the Maine Law; it has shown us, that if we would accomplish our object, we must write, sign our petitions at the ballot-box, and send them to Springfield in 'boots and breeches.'" "

85. Illinois State Journal, 10 February 1855. Chicago Daily Tribune, 12 February 1855, reported the vote to be 17 to 7.

86. Ibid., 12 February 1855.

87. Chicago Democrat, 17 February 1855.

88. Minutes of the Illinois Annual Conference of the Methodist Episcopal Church, 1845, 21. North Western Christian Advocate, 3 January 1855, stated that only four states had submitted the Maine Law to the people. Clark, 45, stated that thirteen states had adopted Maine Laws by 1855. He listed Maine, Minnesota, Rhode Island, Massachusetts, Vermont, Michigan, Connecticut, Indiana, Delaware, Iowa, Nebraska, New York, and New Hampshire.

89. Chicago Democrat, 24 March 1855.

90. Illinois Journal, 12 January 1853. A special committee of the Chicago Common Council on January 10, 1853 recommended that it petition the General Assembly to enact a Maine Law and that it be with the provision of popular approval.

91. Ibid., 21 November 1853.

92. Free West, 2 March 1854.

93. Illinois Journal, 25 January 1853.

94. Minutes of the General Association of Illinois, 1855, 8.

95. North Western Christian Advocate, 27 June 1855.

96. Ibid., 25 July 1855, "Ignorance and Anti-Maine Law Defeat of Prohibition in Illinois."

97. Ibid., 23 July 1856. Free West, 1 March 1855, "Prohibition in Illinois." This Baptist paper also charged that the Illinois Maine Law departed "from the true spirit of Prohibition" in that the manufacture of alcohol and lager beer for sale out of the State was allowed. It stated that this clause was necessary in order to secure the bill's passage through the Senate by increasing its "popularity in the central and southern parts of the State."

The following are some of the explanations offered for the defeat of the Maine Law: North Western Christian Advocate, 27 June 1855, The Reverend J. J. Gridley, of the Methodist Rock River Annual Conference, stated that in his opinion the vote did not reflect the prohibition strength in the state and suggested that fraud had been involved. He also stated that the legislature decided to submit the law to the people, rather than making the decision themselves, out of fear of voter reprisals in the next election; North Western Christian Advocate, 30 January 1856, The Reverend R. S. Crampton, Corresponding Secretary and Agent of the Illinois State Temperance Alliance, stated at a meeting held in the Peoria Court House on January 9, 1856 that the problem of defeat was one of education. He regarded the voting results as demonstrating "the necessity of adopting further measures to bring the facts and true principles of prohibitory legislation more fully before the minds of all classes of persons in the Prairie State;" Chicago Daily Tribune, 12 June 1855, advanced the theory that the timing of the election helped to explain the failure to gain popular support for this legislation. It was "fixed at the worst possible time of the year, at a season when the farmers were actively employed in tending their crops, and

when the opponents of the [Maine] law were mostly disengaged; Illinois State Journal, 26 March 1855, quoting from the Chicago Tribune, charged the "Liquor Lobby," with its influence among politicians and its willingness to supply free or inexpensive liquor among the people, as representing another significant factor in the defeat of prohibition in Illinois.

98. Wyman, 172, 201. Bodnar, 41. A partial explanation of this opposition was the distinction drawn between evangelical or pietistic groups, such as Methodists and Baptists, "who place a high value on individual salvation and the moral reform of society and ritualistic groups, such as Irish Catholics and German Lutherans, who tended to practice their religious life through hierarchies, rules and complex organizations." It was this ritualistic element, according to Bodnar, who placed great emphasis on protecting personal liberty, that were opposed to Sabbath and temperance-prohibition legislation. This distinction helps to provide some insights as to why many Irish Catholics and German Lutherans regarded such restrictions as a tyranny over their way of life and not as a social improvement. See also: Paul Kleppner, The Third Electoral System, 1853-1892 (Chapel Hill: University of North Carolina Press, 1979), 198-237. North Western Christian Advocate, 11 April 1855, supported this interpretation by commenting that the anti-prohibition meetings held in Chicago were "almost wholly composed of foreigners." This publication also illustrated the disdain these foreigners had for government coercion: "they advanced the argument that a man had a right to play cards, and drink with his family on Sunday, and that any legal interference with such a genial, pleasant, and innocent amusement, was tyranny outright."

99. North Western Christian Advocate, 30 January 1856.

100. Census of 1860, Population xxxi. This census reported that Illinois had a total population of 1,711,951, with a total foreign-born population of 324,643. The percentage of English-born in the total population was 2.4, Irish-born, 5.1 and German-born, 7.7.

101. Nelson, 142.

102. Minutes of the General Association of Illinois, 1856, 16.

103. Minutes of the Illinois Annual Conference of the Methodist Episcopal Church, 1855, 21.

104. Minutes of the Rock River Annual Conference of the Methodist Episcopal Church, 1855, 29.

105. Minutes of the Southern Illinois Annual Conference of the Methodist Episcopal Church, 1856, 22.

106. Ibid., 1857, 18. See also: 33, ". . . The temperance question is a question of morals, and not of parties, and that the minister is morally bound to use his exertion in, as well as out of, the pulpit for its promotion."

107. Minutes of the Illinois Annual Conference of the Methodist Episcopal Church, 1870, 51.

108. Minutes of the Peoria Annual Conference of the Methodist Episcopal Church, September 9, 1857, 17-18.

109. Minutes of the General Association of Illinois, 1865, 16.

110. Minutes of the Central Illinois Annual Conference of the Episcopal Church, September 14, 1860, 19.

111. Minutes of the Illinois Annual Conference of the Methodist Episcopal Church, 1870, 51.

112. Minutes of the Thirty-first Session of the Central Illinois Conference of the Methodist Episcopal Church, (Galesburg: Colville and Bros., 1886), 62-63. This church body provided even greater insight into the need for governmental intervention in social issues. In describing intemperance, these Methodists referred to it as "a foe of the Republic." Whereas formerly, the primary focus of liquor reform had been on the impact of alcohol on the individual, by 1886 the emphasis had shifted to a concern for the state itself. Liquor was regarded as a danger to the nation, corrupting both office-holders and voters alike, and thereby necessitating governmental action to destroy this national evil.

113. Manuscript, Illinois State Archives, 1859, No. 1020: Petition of the Western Yearly Meeting of the Society of Friends, meeting in Plainfield, Indiana, September 24, 1858, and addressed "To the Senate and House of Representatives of the State of Illinois." This action represented the Quakers residing in the central and western portions of Indiana and the eastern part of Illinois.

114. Wyman, 206, 209. Wyman stated that most Catholic groups did not take any official position on the slavery issue and that Missouri Synod Lutherans found biblical justification for owning slaves.

115. Ibid., 200.

116. Minutes of the General Association of Illinois, 1853, 8, 11.

117. North Western Christian Advocate, 4 October 1854, relating to the actions of the Illinois Annual Conference of the Methodist Episcopal Church.

118. Wyman, 222.

119. Illinois State Journal, 7 August 1858. John T. Flanagan, ed., "Letters of John Mason Peck," Journal of the Illinois State Historical Society 47 (Autumn 1954): 265. Flanagan stated that although Peck did not aspire to political office he was involved in political controversy and that he counted among his friends three governors of the state, Edward Cole, John Reynolds and Thomas Carlin. The Western Christian, 8 December 1853, commenting on the contest for calling the Constitution Convention of 1822-24, stated that "the talents and influence of Mr. Peck were unremittingly and powerfully exerted on the side of freedom, and the triumph of the cause at that time was greatly accelerated through his agency."

120. N. Dwight Harris, The History of Negro Servitude in Illinois and the Slavery Agitation in that State, 1719-1864 (Chicago: A.C. McClurg and Company, 1904), 228, 235-236. The Constitutional Convention of 1848 adopted a resolution to allow the legislature to prohibit free Blacks from immigrating or settling in the state. See also: Journal of the Illinois House of Representatives, 1853, 276, "An Act to Prevent the Immigration of Free Negroes into the State."

121. The Western Christian, December 8, 1853, charged that Peck did not support Lovejoy's activities in 1836: "Mr. Peck then, (probably through sectarian prejudice) joined in the unrelenting persecution of Mr. Lovejoy, which ended in cruelly taking the life of that true patriot and philanthropist." See also: Theodore C. Pease, The Story of Illinois (Chicago: University of Chicago Press, 1925), 149.

122. Howard, 189.

123. Harris, 138.

124. Linda Jeanne Evans, "Abolitionism in the Illinois Churches, 1830-1865" (Ph.D. diss., Northwestern University, 1981), see: Dissertation Abstract International, vol. 42/05-A, 2262. This study revealed that the religious societies in Illinois provided much of the ideological foundation and leadership for the anti-slavery movement and that the

abolitionists utilized these organizations to promote their cause. It was also found that due to its unpopularity, most religious societies rejected alignment with abolitionism. See also: Merton Dillon, "History of the Antislavery Movement in Illinois: 1824-1835," Journal of the Illinois State Historical Society (Summer 1954): 36-50.

125. Minutes of the Southern Illinois Conference of the Methodist Episcopal Church, 1859, 29.

126. See: Chapter I,

127. North Western Christian Advocate, 5 April 1854.

128. Ibid., 30 March 1853.

129. Ibid.

130. Ibid., 5 May 1854.

131. North Western Christian Advocate, 5 April 1854.

132. Chicago Democrat, 21 March 1854. See also: Robert W. Johannsen, ed., The Letters of Stephen A. Douglas (Urbana: University of Illinois Press, 1961), 300-322.

133. Chicago Daily Tribune, 17 May 1855, "Senator Douglas and the Clergy Again."

134. Ibid., 28 March 1854, "Anti-Nebraska Memorial of the Clergy of Northern Illinois to Congress."

135. North Western Christian Advocate, 5 April 1854. Reported that Reverend A. M. Stewart was elected chairman, Reverend J. McNamara as secretary and that J. C. Holbrook, of the Congregational Herald, and J. V. Watson of the North Western Christian Advocate were in attendance.

136. Ibid.

137. Ibid.

138. Chicago Daily Tribune, 29 March 1854. Only twenty-four names appeared on this petition.

139. Ibid., 22 February 1854.

140. Johannsen, 313. For Douglas' complete letter "To Twenty-five Chicago Clergymen," see: 300-322.

141. Chicago Democrat, 6 June 1854. Free West, 18 May 1854, "Memorial of Five-Hundred and Four Clergymen". This paper reported that an additional memorial was sent to Congress in May, 1854, this time signed by five-hundred and four clergymen from the northwestern states protesting the passage of the Nebraska bill. It was not indicated whether Illinois clergymen were involved.

142. Minutes of the General Assembly of the Presbyterian Church in the United States of America, 1850, 448.

143. Ibid., 1849, 254.

144. Western Christian, 11 February 1851.

145. Minutes of the Illinois Annual Conference of the Methodist Episcopal Church, 1855, 23.

146. Ibid., 1854, 24.

147. Western Christian, 12 October 1852.

148. Congregational Herald, 19 August 1854.

149. Minutes of the General Association of Congregational Churches in Illinois, 1859, 14. Illinois State Register, 31 October 1850, reported that the Chicago Common Council also denounced this law as "cruel, unjust and unconstitutional, a transgression of the laws of God, and declared that congressmen from the free states who assisted in its passage were "fit only to be ranked with the traitors." In addition, it resolved that the police of the city were not to assist in the arrest or fugitive slaves.

150. Western Christian, 12 November 1850. "Voice of the Church." Not all the denominational groups took action on this law. For example, the New School General Assembly of the Presbyterian Church refused to condemn or "utter a word on the subject of slavery." See: Western Christian, 25 May 1852.

151. North Western Christian Advocate, 4 October 1854, reporting on the actions of the Illinois Annual Methodist Episcopal Conference.

152. Free West, 27 April 1854.

153. Minutes of the General Association of Illinois, 1857, 10.



154. Minutes of the Baptist Association, May 25, 1839 in the "American Baptist Great River Collection," Illinois State Historical Library.

155. Minutes of the Rock River Annual Conference of the Methodist Episcopal Church, 1854, 25.

156. Western Christian, 2 April 1850.

157. Ibid., 8 October 1850.

158. Ibid., 3 December 1850.

159. Ibid.

160. Ibid., 12 November 1850.

161. Ibid., 5 August 1851.

162. Minutes of the General Association of Illinois, 1856, 12-13. See also: 1861, 75. This body would in 1861 interpret "American slavery" as responsible for the outbreak of hostilities and the ensuing conflict as a "defense of freedom."

163. Chicago Tribune, 20 May 1857. It had been reported earlier that this meeting was very strongly anti-slavery in sentiments and that the St. Louis delegation had walked out of the conference.

164. Wyman, 120.

165. John Mason Peck Manuscript, 1845, in the "American Baptist Great River Collection," Illinois State Historical Library.

166. Ibid., 4 April 1850.

167. Illinois State Journal, 7 August 1858.

168. Wyman, 185. Wyman commented that "it was increasingly clear that reform by example, by moral suasion, was not winning many converts among the hordes of foreign-born. A new approach, a new direction, was called for. That new direction led into coercive reform through law. But laws are created through politics, and politics had traditionally been spurned by religious leaders as corrupt and sordid, something to avoid because it involved compromise. And there could be no compromise with sin."

169. North Western Christian Advocate, 30 March 1853.

## CHAPTER VI

### LEGISLATIVE ACCOMMODATIONS TO RELIGIOUS SOCIETIES: THE ENGAGEMENT OF LEGISLATIVE AND INSTITUTIONAL CHAPLAINS

Church-state relations in ante-bellum Illinois also involved a series of more direct accommodations between the General Assembly and various religious societies. One area where the legislature was particularly amenable to religious influences involved its utilization and appointment of legislative and institutional chaplains. In this regard, the interests of the legislature in seeking to elevate public moral virtue were joined with the religious interests of various denominations.

Following the custom established by Congress and further imitated by the new states, each Illinois General Assembly invited or sponsored clergymen to officiate as chaplains by opening their morning legislative sessions with prayer. Clergymen would be also invited to pray before the sessions of the 1818 and 1847-1848 Constitutional Conventions.<sup>1</sup> Apparently, these appointments were not always without debate. For example in December of 1839, the motion to open the legislature with prayer initially failed. It was reported that Lincoln reintroduced the defeated

motion.<sup>2</sup> Deviating from the Congressional practice of electing one or two specific chaplains to serve for an entire legislative term, the Illinois legislature provided opportunities for many clergymen to participate as ministers to its membership on a rotating basis. These men generally resided in or near the various state capital centers in which the respective General Assemblies held their sessions, whether Kaskaskia, Vandalia or Springfield.<sup>3</sup>

Official state publications provide scant details on the identities and activities of these men. Frequently, the only indication that this clerical participation had taken place in the governing process was the inclusion of the words in the legislative journals: "after prayer and the reading of the journal of yesterday."<sup>4</sup> The explanation given for not including the names of officiating clergymen and their prayers in the record of proceedings involved questions of propriety and expense. It was considered to be both unusual, in that Congress did not follow this practice, as well as improper to record prayers addressed to the "throne of Grace." And, it was considered to be an unnecessary expense for the state to undertake.<sup>5</sup>

Nevertheless, the legislature was served by a considerable number of clergymen during these ante-bellum years. Of the thirty-four clergymen identified from the public press and denominational records as serving the legislature from 1818 to 1860, there were seventeen

Methodists, seven Presbyterians, five Baptists, three Episcopalians, and one each for Methodist Protestants, Universalists, Campbellites and Roman Catholics.<sup>6</sup> These partial statistics suggest that the greatest number of clergymen identified as chaplains were representatives of the larger Protestant denominational groupings of the state's population.

An examination of the City Directory of Springfield, Illinois, for 1850 provides further validation of the predominant Protestant religious and social associations of these clergymen. Of the eleven men named in this directory, only five actually officiated during this year before the General Assembly. These were the Reverends: Hale, Dodge, Dresser, Guthie, and Teasdale, respectively representatives of the Presbyterian, Protestant Episcopal, Methodist Episcopal and Baptist traditions.<sup>7</sup> The first reference to a Catholic priest officiating before the legislature was in January, 1859, when the Reverend Father Fitsgibbon of Springfield prayed before the House and Senate.<sup>8</sup> However, few Catholics served the state government either as chaplains, elected members to the General Assembly, or as Constitutional Convention delegates. This fact was reflected in a statement made during the Illinois Constitutional Convention gathering in 1869 that no delegates of this religious tradition had been elected to serve, nor were any present.<sup>9</sup>

The only specific reference to an attempt by the legislature to exclude members of any particular religious society from addressing its membership as a chaplain was taken in regard to the Mormons. In 1842, on the motion of Mr. Henry "that the speaker of the House be requested to desire the preachers of this city to open the daily business of the Senate with prayer," Mr. Dougherty moved to amend by adding: "except Mormon preachers." After considerable debate, this amendment was tabled and the original motion was adopted, 25 ayes to 15 nays.<sup>10</sup> Although the Mormon exclusion was never adopted, it is doubtful that any member of this sect was ever invited to address the legislature even though a small colony did exist in Springfield and various church leaders were known to have visited the capital and could have been called upon.<sup>11</sup>

In terms of actual numbers, very few clergymen served the General Assembly during any one legislative term. Although exact numbers were generally not specified, the 1857 legislature listed six chaplains.<sup>12</sup>

There is limited evidence that legislative chaplains received a stipend for their services. In 1849, the legislature instructed that the several clergymen from Springfield who officiated were to divide \$126.00 "among them as they shall agree among themselves."<sup>13</sup> Again, without mentioning any specific number of the Springfield clergy involved, the 1855 legislative session reported that

its chaplains were to divide an appropriation of \$100.00 dollars.<sup>14</sup> In 1857, six General Assembly chaplains were listed: the Reverends Dodge, Hale, Miner, Sears, Marvin and Pierson, each to receive \$25.00 dollars.<sup>15</sup>

This practice of governmental subsidies to clergymen was not without its detractors. In 1843, the question of compensation to volunteer chaplains was debated in the Illinois House of Representatives. Following the introduction of a resolution by Mr. William Weatherford to appoint a committee to wait on the clergy "and to request them to officiate in opening the morning session of this House with prayer, alternately as may suit their convenience," Mr. Richard Murphy moved to amend the resolution "so as to allow them the same per diem as is allowed to members." Mr. Richard Yates, speaking in opposition to those who rejected the resolution because of the people's different views on religious beliefs, stated:

Sir, I admit the fact but deny the conclusion - This resolution makes no distinction in favor of any particular class or denomination of Christians, but embraces clergymen of all tenets, who are to be invited alternatively or indiscriminately to open our proceedings with prayer.

He continued by charging that the amendment of Mr. Murphy, providing the usual per diem allowance to these clergymen, was actually designed to defeat the resolution to engage chaplains in that it was unlikely that the legislature would approve the proposal. Mr. Yates voiced his republican concerns in that this resolution was attempting to connect

politics with religion but said there was little danger to political or religious liberty. He asked: ". . . in the name of common sense, what is there in the simple act of a prayer previous to our daily deliberations which favors this hatred and unnatural connection" between church and state? And, drawing a further connection between religion and republican sentiments, he asserted: "[only] if the light of this holy religion shall continue to be diffused, [will our] free institutions . . . flourish in perpetual youth; if it goes out; freedom is gone, forever gone!"<sup>16</sup> On the motion of Mr. William Brinkley, the chaplain resolution and per diem amendment were indefinitely postponed by an exceedingly close vote of 57 ayes and 54 nays.<sup>17</sup>

The clergy compensation question was raised also in the Senate on December 4, 1844. At this time, Mr. John Dougherty offered an amendment stating that clergymen should serve the legislature without remuneration. After much discussion and other attempts to amend, a resolution authorizing clergy participation with compensation was adopted, 24 ayes, 10 nays.<sup>18</sup>

Apparently, clergymen were brought before the legislature to deliver more than opening morning prayers. On occasion, this governing body drew on the rhetorical skills and persuasiveness of the clergy to help obtain popular support for particular policies. For example, in 1850 the Illinois House called upon the prominent Baptist,

Reverend John Mason Peck, to clarify and support the fugitive slave provision in the Compromise of 1850. Of particular concern to these legislators was the general popular disapproval of the strengthening of the fugitive slave enforcement provision of 1793 in this national legislation and the threaten disorder. On January 17, 1851, the General Assembly voted by "large majorities" to sustain the actions of Congress and Fillmore's "in evincing his determination to execute and enforce all laws constitutionally enacted." This action followed the adoption of a series of resolutions which had been offered in the Senate by Mr. John Richmond, a clerical member, and Mr. Joseph Gillespie, who were responding to the growing popular discontent with the Fugitive Slave Law by emphasizing the need to recognize that the Union could only be preserved by means of such concessions, and that the Constitution must be upheld:

Resolved, That Congress not only acted in accordance with the letter and spirit of the constitution . . . in the passage of the fugitive slave law, but that it was their duty to pass such a law as would be efficient in carrying out the stipulation of the constitution, which provides that no person held to service or labor in one state under the laws thereof, escaping into another, shall in consequence of any law or regulations therein be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

Resolved, That this law shall be sustained by the people and the authorities of this state.<sup>19</sup>

Acting on the motion of Mr. Richard Murphy, the House resolved on January 23, 1850, to invite John Mason Peck of



st. Clair County to preach a sermon in its chamber for the specific purpose of "showing that the obligations of American citizens to obey the Constitution and laws of our National Government do not conflict with any 'higher law' in the Sacred Scriptures."<sup>20</sup> Apparently, this address was open to the public for the following announcement appeared in the Illinois press:

Rev. J. M. Peck will preach a Sermon in the State House at 3 o'clock on [the] Sabbath . . . in which will be shown the duty of all citizens of the United States to obey the Constitution and laws of the country; - and that there is no 'higher law' in the Bible that overrides or conflicts with this obligation.<sup>21</sup>

It was later reported that Peck had delivered his sermon on January 26, 1851 in the State House.<sup>22</sup>

In a private correspondence dated January, 10, 1851, and written prior to his speaking engagement before the legislature, Peck revealed a certain sensitivity to republican concerns for the stability of the nation and for the need to abide by the provisions in the Constitution. He stated that "in coming to Springfield to make a speech against the 'higher law,' I certainly shall not speak nor act against any higher law than the Constitution." He went on to explain that he had no objection in showing that the concept of a higher law was not relevant to the slavery issue. The doctrine, he asserted, as advanced by "the religious fanatics and political demagogues in the north was a direct perversion of the word of God." He further maintained that he saw in this public agitation the

perversion of the relationship between church and state: "the remote course and indifference that are at work in the northern states and in northeastern Illinois against the fugitive slave law" were blending religion and politics and were nothing more than "the old Puritan principles under a new phase - the making the Church above the State." He said that he regretted that Baptist preachers and people had been "carried away with this decision." He continued:

I shall leave the politicians to manage and adjust the political question while my efforts will be directed to the religious bearings of the same object. Happily my views accord with the anti-slavery Baptists in the U. States and I have their sanction to 'go ahead.'

And finally, he concluded that his address would have little effect in changing the opinions which people had regarding this legislation: "My speech, or lecture, will do just as much good after as before the political action of the legislature."<sup>23</sup> His complete address, "The Duties of American Citizens," was subsequently published in the Illinois Journal, May 31, 1851. This newspaper noted that Peck's discourse had been published specifically "at the request of a large portion of the members of the legislature."<sup>24</sup> In employing Peck and urging the widest possible circulation of his statements in the press, this governing body was attempting to win popular support of its position on this national legislation among the Illinois citizenry.

Although this particular occasion of calling on Peck

to support their resolves was extraordinary in terms of the national political divisions involved, the practice of the legislature of utilizing clergymen, in their capacity as preachers, or lecturers, was fairly common. It was reported that Peck had preached "at the State House" as early as 1825.<sup>25</sup>

During this ante-bellum period, the Illinois legislature would sponsor and ultimately come to require that chaplains be appointed also to the state penitentiary and other facilities, such as hospitals serving the insane and the blind.<sup>26</sup> Unlike the legislative chaplains, who had officiated from the first session of the General Assembly in 1818, those designated to serve prison populations were not officially appointed until 1844. Prior to this time, the state prisons were served by clergymen on an informal volunteer basis. The State Penitentiary Inspector's Report of 1838 witnessed to this arrangement:

Believing it to have been the object of those benefactors of our race who founded the penitentiary system, to punish the criminal by a deprivation of liberty, and to reform him by the influence of means that could be used with advantage in such a situation only, I have deemed it a duty to afford the convicts every facility which lay in my powers, to receive moral and religious instructions; and accordingly solicited the services of a number of the clergy in the neighborhood, and which, I am happy to say, has been cheerfully rendered, and, so far as I have been able to judge beneficial to the prisoners generally.<sup>27</sup>

Again in 1839, the Penitentiary Committee recommended that preachers be secured for every Sabbath and that the warden

be allowed to "employ the different clergy of the city to preach, by turn, to the prisoners . . . and authorized him to pay to them each, five dollars per day for the time spent."<sup>28</sup>

The movement for a full-time chaplain's position basically grew out of the inadequacy of prison resources. This can be seen from the legislative acknowledgment in 1840 that the Alton prison had only fifty-six cells designed for single occupancy when ninety convicts were incarcerated.<sup>29</sup> The continuation of these unwholesome conditions and practices pressured the legislature to introduce changes in the prison system. Among the reforms recommended in 1844 was the authorization that a permanent chaplaincy position be designated for the prison. One of the factors which motivated the legislature to adopt this measure was the report that it was the practice of the prison warden, who was also the lessee, "to shut up" or confine convicts to their cells from "late Saturday night until Monday morning" without any recreation or stimulation, and that he was living in the prison hospital while the sick were kept "in underground rooms."<sup>30</sup> As a consequence in 1849, the legislature instructed the governor to appoint "some suitable persons [as chaplains] to be paid from rents of said prison." These clergymen were specifically instructed to conduct religious services at the prison, "at least once every Sabbath."<sup>31</sup> In subsequent years, the state

government continued to authorize the governors to appoint chaplains to the penitentiaries. For example, in 1859, it approved the appointment of two chaplains, one each for the penitentiaries at Alton and Joliet, to be paid five dollars per week from the state treasury. This arrangement of employing two chaplains continued until the Alton facility was closed.<sup>32</sup>

The question of the adequacy of chaplain's salaries was raised in 1855 by a Joint Committee on the Penitentiary and which further provided an indication of the services rendered. This committee reported that a chaplain was employed to preach to the prisoners "at a salary entirely inadequate to the services which he should perform, and as a consequence, the prisoners only enjoy an opportunity to hear one sermon in the space of from three to five weeks." It was recommended that sermons be given every Sabbath and that Sabbath school instructions be provided as well under the direction and supervision of the chaplain. To accomplish this, the committee called for more "liberal compensation for the chaplain's services."<sup>33</sup>

It was expected that the convicts would "learn good habits," primarily through the prison system itself, but also augmented by these clergymen.<sup>34</sup> The basic assumption behind these prisons was that those confined had failed by yielding to society's negative influences. The prison environment would attempt to correct those deficiencies of

character which had lead to confinement. Through the regimentation of strict discipline, order and by means of religious, moral and educational instructions, convicts were expected to undergo a character transformation. The primary responsibility of chaplains was to participate in this reform process by promoting religious and moral instructions. An indication of the realistic challenges faced by these chaplains was provided in a report to the Illinois legislature in 1838 on the thirty convicts confined in Alton prison:

One is mulatto, two are black men, and twenty-seven are white men. But eight had trades when they came . . . thirteen married, seventeen single, youngest seventeen, oldest forty-five. Twenty-four attribute their present misfortune to the use of intoxicating liquor. But four have ever made a profession of religion. They were members of the Roman Catholic Church. But three have ever attended Sabbath school, and but one has been a member of a temperance society. The Sabbath, by all, has been disregarded since they came West.<sup>35</sup>

Thus, chaplains shared in the augmenting of the two-fold purpose of the prison system: to assist the state in its endeavors to reform or rehabilitate convicts and thereby to help guarantee the safety of the community upon their release.<sup>36</sup> The importance placed on the character reformation of the convict was expressed in a report by the Committee on the Penitentiary in 1843:

It must be apparent to every one, that unless there is a reform wrought in the convict there can be no protection to society, for we may be assured that the penitentiary will be to the convict, either a school of reform or one of vice and iniquity, and if of the latter, the discharged convict enters again into society a much more dangerous man than when sentenced to the penitentiary;

having been schooled in vice and iniquity by the free intercourse he has had with other criminals while in confinement.<sup>37</sup>

In 1847, the Illinois Synod of the Presbyterian Church stressed the importance of character reformation in a memorial to the legislature and expressed its willingness to help furnish moral and religious instructions to the convicts in the Penitentiary."<sup>38</sup> Governor J. A. Matteson concurred in a report to the General Assembly in 1857, on the more than five hundred inmates at Alton, that "moral regimentation was one of the chief benefits of the penitentiary system."<sup>39</sup>

The specific duties of prison chaplains were clarified in the several penitentiary laws enacted by the state government. The Penitentiary Act of 1846 included the following provisions regarding the chaplain's services:

Sec. 11 The said inspector shall procure some suitable person to perform divine service every Sabbath day, at least once, for the benefit of said convicts, for which they shall allow the sum of five dollars per week; and in case of sickness of any convict, upon his request to that effect, any clergyman or other religious person of any denomination designated by him, shall be procured, if possible to administer such spiritual consolation as such convict may need.

Sec. 12 The inspector shall give a certificate to said person officiating as chaplain of said prison, stating the amount due to him, which shall be paid by the warden and deducted out of his bonus.<sup>40</sup>

Another aspect of the governmental interest in supporting religion and morality had to do with the authorization that Bibles and various forms of religious literature be provided to those in the penitentiary. At

various times, the General Assembly received requests for such documents. In 1838, J. R. Wood, Superintendent of Inspectors, reported that the prisoners were receiving copies of the monthly Temperance Herald publication. And, he commented that "if a variety of moral and religious books were kept for the use of the convicts, it would evidently add to their comfort, and contribute greatly towards preparing them for usefulness in society, when discharged."<sup>41</sup> A year earlier, the legislature authorized that Bibles be furnished to prisoners "for their moral elevation" and "to produce moral feelings."<sup>42</sup>

In 1839, the penitentiary inspectors presented additional evidence that the convicts were not being exposed to sufficient religious and moral influences:

We found them ill-supplied with Bibles and other books necessary for their moral instruction; and there has been no means employed to ensure regular preaching in the prison on the Sabbath, though the clergymen of the city have kindly performed services in the prison when their other engagements would admit of it.<sup>43</sup>

In response, the legislature approved the inspector's request to furnish Bibles "at the expense of the state to each convict who is able and willing to read the same."<sup>44</sup> Again, in 1840, the Penitentiary Committee, desirous of promoting religious and moral instructions among the convicts, asked for additional funding to begin a library "for the moral development of the convict, your committee by leave to recommend the appropriation of a small sum (say \$100 dollars) for the purchase of a suitable library for the



prison."<sup>45</sup> Reverend Mr. McMasters, chaplain of the state prison, reported in 1857 to the legislature on the need to supply more books to the convicts for the purpose of moral and religious instruction. He asked for \$500 dollars for books and commented that those on "history, travel, and biography" were more in demand than religious literature. He affirmed that "increase moral feelings might be produced" by exposure to all these reading materials and that this will provide "security against mutiny and revolts."<sup>46</sup> He added that "no great improvement in morals can be expected without intellectual enlargement, and hence I would . . . recommend that more care be taken to furnish wholesome food for thought."<sup>47</sup> He also reported that he had preached twice every Sunday, once to the men and once to the women and that he had counseled the prisoners and visited the sick during each week. In 1859, it was reported that the state had approved an appropriation of \$439.50 "to pay for 300 Bibles purchased for the use of convicts in the penitentiary."<sup>48</sup>

A summary of prison conditions was presented in 1855 by chaplain J.B. Randle:

I become more and more impressed with the importance of this work. No people of whom I have any knowledge more imperatively demand the faithful labors of the minister of the gospel than the inmates of a state prison. . . . Most of the men here have a common education. Some of them are well educated, and very few of them but that are able to read. They have each of them the 'word of life' in their cells, and other proper books. Since my last communication a building has been erected of sufficient size, which affords us a very pleasant and

convenient place in which to worship. The moral elevation of these fallen, degraded human beings is a work worthy of our untiring efforts - especially when we reflect that man is immortal.<sup>49</sup>

Various religious groups visited the penitentiary during these years. For instance, Chaplain McMaster in 1855 reported that Bishop Whitehouse and the Episcopal Convention had come to the Alton prison to confirm forty-five convicts.<sup>50</sup>

In regard to legislative and institutional chaplains, operating at state expense, there seems to be little concern raised in this ante-bellum period that such support constituted an infringement of the principle of the separation of church and state. In what could be described as the rudiments of a civil religion, the Illinois legislature accepted and adopted the national custom of engaging chaplains to underscore the popular belief in "an overruling Providence," and thereby dignify their deliberations, and to secure both "Divine" and citizen approval of their actions. The employment of chaplains revealed an association between the state government and religion, the primary purpose of which was to promote the moral and educational betterment of the public at large. The legislature viewed an importance aspect of religion to be its positive contribution to the maintenance and stability of the social order. On occasion, the legislature attempted to employ the rhetorical persuasiveness of clergymen in the service of public policies. This was

illustrated by the John Mason Peck's defense of the Fugitive slave provision in the Compromise of 1850. Nevertheless, all views advanced by clergymen were not necessarily supported by state politicians as a whole. Reverend Albert Hale's alleged criticisms of the Mexican War, while the Constitutional Convention of 1847 was in session, provided an example of a chaplain who fell out of the approved consensus of this governing body.<sup>51</sup>

Chaplains were utilized in the state's penitentiaries to help promote the personal qualities of self-discipline and moral virtue in an attempt to achieve radical character transformations of the convicts so that they would be less of a threat to the general society. Failing in this, these men and women would have at least learned, through the harsh regimentation of prison life, that it was an experience not to be repeated. The legislature also revealed its interest in promoting religion and morality by supplying Bibles, at state expense at various times, to those confined in the penitentiaries.

Whatever the number of individuals involved in ministering to the General Assembly and to other state facilities during the ante-bellum period, they seem to have been drawn from the major Protestant denominational groupings in the state. The only documented attempt by the legislature to exclude representatives of any specific religious body was in regard to the Mormons.<sup>52</sup>

## NOTES

1. Journal of the Constitutional Convention of 1818 found in Journal of the Illinois State Historical Society, vol. 6, April 1913 to January 1914 (Springfield: Illinois State Historical Society, 1914), 357; Journal of the Convention Assembled at Springfield, June 7, 1847 . . . for the Purpose of Altering, Amending, or Revising the Constitution of the State of Illinois (Springfield: Lanphier and Walker, 1847), 200, 201, 451, 511.

2. Illinois State Journal, 27 December 1859.

3. Laws of the State of Illinois Passed by the Tenth General Assembly, December 5, 1836 - March 6, 1837 (Vandalia: William Walker, 1837), 321. Reference to an "Act to establish a seat of government permanently located." Apparently, Congress experimented with the same voluntary system of procuring chaplains as employed by the Illinois Legislature.

4. Illinois Journal, 25 June 1847.

5. This question was raised in the Constitutional Convention of 1869. H. P. H. Brownwell spoke in support of incorporating the clergy and their prayers into the permanent record: "If this is a State which, in the language of our own Constitution, adopted in 1848, acknowledges Almighty God and His supreme justice and supreme providence over the State and Nation and people . . . , I think it is nothing more than right that the record show precisely how we assembled, and under what forms we worshipped." See: Debates and Proceedings of the Constitutional Convention of 1869-70, vol. 1, 140, 168-172.

6. Citations for denominational chaplains: Methodist Episcopal: Andrus, Reuben, 1852, CC1862 [CC refers to Constitutional Convention], Chicago Democrat, 13 November 1852; Barger, John S. (of Sangamon) CC1847, 1847, Journal of the Illinois Conference of the Methodist Episcopal Church, 1824-1833, Manuscript Collection, 116; Illinois Journal, 21 October 1847; Crust [or Crist], P.A., CC1847, Journal of the Illinois Conference, 1857, 8; Griffith, Nehemiah B., 1846, 1847, Illinois Conference Minutes, Twenty-third Session, 1844, 1; Guthrie, Robert E., [First Methodist Episcopal Church of Springfield] 1851, Illinois Journal, 21 August 1851; Lewis, C.W. (of Springfield) 1849, Illinois Journal, 13 September 1850; Lewis, S., 1849, Illinois Journal, 29

September 1851; Mitchell, John T., (of Springfield) CC 1847, 1847, Illinois Conference Minutes, 1839, 116; Richmond, Dr. John B., (Senator, from Mt. Sterling) 1842, 1844, 1845, 1849, 1851, 1857, CC1862, Illinois Journal, 7 November 1849, Illinois Conference Minutes, 1847, 14, 22; Ridgely, Vincent (of Alton) 1853, Illinois Journal, 30 September 1850, 18 January 1853; Rutledge, William J. (of Jacksonville Station) 1847, Illinois Journal, 1 October 1845, 21 October 1847, Illinois Conference Minutes, 1838, 1; Wollard, James B. (of the House) 1845, Illinois Journal, 13 February 1845, Illinois Conference Minutes, 1839, 9. Baptists: Bailey, G.S. 1846, CC1847, 1847, 1849, Illinois Journal, 30 October 1850; Dodge, H.W., 1843 (of Washington D.C., engaged to preach for one year) Sangamon Journal, 18 March 1843; Green, Henry R. (delegate CC1847) Illinois Journal, 22 July 1847; Peck, John Mason, 1843, 1851, Illinois Journal, 29 January 1851; Teasedale, Thomas C., (of Springfield) 1850, 1851, 1857, Illinois Journal, 21 August 1851. Presbyterians: Bergen, John G., 1843-1847, 1849, Minutes of the General Assembly of the Presbyterian Church in the United States of America (Philadelphia: William F. Geddes, 1829) 45, "assisted in the erection of the first Protestant church in the central part of the State, which he remained pastor until his death, 1828-1848, Sangamon Journal, 10 May 1832, 7 February 1849; Dodge, M. (of Springfield) 1856, Chicago Democrat, 4 November 1854; Dodge, Richard V., (Third Presbyterian Church, Springfield) 1851, 1854, 1857, Illinois Journal, 21 August 1851, Chicago Democrat, 27 May 1854; Hale, Albert P., (Second Presbyterian Church, Springfield) 1843-1845, CC1847, 1847, 1849, 1851, 1857, CC1862, Minutes of the General Assembly, 1850, 401, Illinois Journal, 27 February 1845; Springer, Francis, D.D., (President of Illinois State University) 1847, 1852, 1853, Illinois Journal, 2 January 1847, October 6, 1853; Smith, Dr. James, D.D. (First Presbyterian Church, Springfield) 1843, 1846, 1847, 1852, 1853, Sangamon Journal, 3 September 1841; Sturtevant, Julian M., (President, College in Jacksonville) 1843, 1847, 1850, Journal of the Illinois State Historical Society, 16 (April-June, 1923): 45, Minutes of the General Assembly, 1832, 431. Protestant Episcopal: Clover, Lewis, (Springfield) CC1862, Church Almanac for the Year 1860 New York: Protestant Episcopal Tract Society, 1860, 36; Dresser, Charles, (St. Paul's Church, Springfield, served from 1838-1858) 1842-44, 1846, CC1847, 1847, 1849, 1851, 1857, The Church Almanac for the Year, 1851, 32, Chicago Democrat, 4 November 1854; McMasters, S.Y., (Alton) 1849, The Church Almanac for the Year, 1849, 43, Chicago Democrat, 17 October 1855. Universalists: Marvin, (Universal Church, Springfield) 1857, Illinois Journal, 21 August 1851. Campbellite or Disciples of Christ: Palmer, Henry D. (of Marshall County) 1847, Chicago Democrat, 17 August 1847 "frequently had served as chaplain to the legislature";

Methodist Protestant: Johnson, Neill [Agent, American Bible Society, Sangamon Journal, 26 January 1832.

The following are legislative chaplains from whom denominational affiliations have not been determined: Birth, CC1862; Burch, CC1862; Clarke, CC1862; Edson, 1842-1845, Illinois Journal, 26 December, 1844; Finley, CC1847; Gurley, D.C., 1849; Hanson (of the Senate) 1847, Illinois Journal, 25 January 1847; Haschmann, CC1862; Huffman (of the House) 1846-1847, Illinois Journal, 7 January 1847; Lancaster, 1843; Miner, [N.W.?] 1857, CC1862; Mitchel, CC1818; Norman, 1853, Illinois Journal, 19 January 1853; Parrish (of the House) 1845, Illinois Journal, 5 December 1844; Pierson, 1857; Reynolds, CC1862; Richardson, [E.C.?] 1849; Robison, 1847; Rolando, 1843, Sangamon Journal, 23 February 1843; Sears, 1857; Shields, William, CC1847; Stamper, 1843, Sangamon Journal, 2 February 1843; Tichenor, (Senator) 1849, Illinois Journal, 10 January 1849; Watson, (of the House) 1847, Illinois Journal, 25 February 1847; Cyrus Wright (of Cass County) 1853, Illinois Journal, 10 February 1853.

7. Illinois Journal, 21 August 1850. Not all the churches active in the city were included in this listing. For example, the Lutheran Church was omitted, but published in that of August 25th. The African Baptist Church was not included in either listing of August 21st or the 25th. See also: 25 August 1850.

8. Illinois Journal, 1 January 1859, 8 January 1859 and 26 January 1859.

9. Debates and Proceedings of the Constitutional Convention of the State of Illinois convened in the City of Springfield, Tuesday, December 13, 1869 vol. 2 (Springfield: E.L. Merritt and Brothers, 1870), 1760. Delegate S. S. Hayes commented during the debate over the inclusion of Bible readings in the common school: "I owe it to my constituents, a large portion of whom have, with their co-religionists, been misrepresented and slandered on this floor, charged with the design to overthrow the free institutions of this country and that by gentlemen who are themselves seeking to change the Constitution of the State in the interest of their own sectarian schemes. . . . I will notice the aspersions upon the portion of our people who belong to the [C]atholic church. I regret that there is not in this body any professed members of that church to speak for it. I am not a member of that denomination, but I can speak of it without prejudice."

10. Sangamon Journal, 29 December 1842.

11. Joseph Smith, and Herman C. Smith, History of the Church of Jesus Christ of Latter-Day Saints vol. 5 (Lamoni, Iowa: Reorganized Church of Jesus Christ of the Latter-Day Saints, 1896), 210.

12. Illinois Laws, Twentieth General Assembly, January 5, 1857, Public Laws, 241. Listed were: the Reverends Mr. Hale, Dodge, Pierson, Miner, Sears and Marvin. Illinois Laws, Twenty-fourth General Assembly, January 2, 1865, Public Laws, 11. Reported that the number of chaplains had been expanded to nine.

13. Illinois Laws, Sixteenth General Assembly, First Session, 1849, 28.

14. Illinois Laws, Nineteenth General Assembly, 1855, 101.

15. Illinois Laws, Twentieth General Assembly, 1857, 241. The record of the Twenty-third legislative session, held in 1865, revealed that the number of officiating clergy had been increased to nine and that each was still receiving a compensation of \$25.00 for their services. Public Laws of the State of Illinois Passed by the Twenty-third General Assembly (Springfield: Baker and Phillips, 1865), 11.

16. Sangamon Journal, 1 January 1843.

17. Ibid., 5 January 1843. The House vote was taken on January 2, 1843.

18. Ibid., 5 December 1844. Debates and Proceedings of the Constitutional Convention of the State of Illinois Convened in the City of Springfield, Tuesday, December 13, 1869, vol. 1 (Springfield: E. L. Merritt and Brothers, 1870), see index. An indication that republican sentiments were on occasion included in the prayers presented to the members of the Illinois House and Senate was given by the Reverend Albert Hale before the Constitutional Convention of 1869, one of the few times in the state's history when chaplain's prayers were entered into the permanent record. Hale had been frequently asked to officiate before the General Assembly since the 1840's. One of his prayers, given on the opening day of the convention, suggests his support of republican sentiments. Some of the key passages were:

". . . We thank Thee for the precious privileges Thou has conferred upon us as citizens of this free country. . . . [May] this Convention be imbued with the spirit and principles of that government which has been established and maintained in Thy Providence, and may they perform the work to which the citizens of the state have called them, in the

fear of God, and in the love of truth, and in regard to those principles of government that Thou didst give to the Fathers of the Nation, and which have been handed down and preserved to us. Direct them in each step, which they take, and grant that the people of the state may have reason to rejoice in God, our Providential Governor, for the good they accomplished in the faithful performance of their duties here . . . .

19. Illinois Journal, 17 January 1851. It was reported that these resolutions were adopted "with both a solitary negative."

20. Ibid., 25 January 1851.

21. Ibid.

22. Ibid., 31 March 1851.

23. John Mason Peck Manuscript, January 11, 1851, in "the American Baptist Great River Collection," Illinois State Historical Library.

24. Illinois Journal, 31 March 1851, provides a partial text of the public lecture given by Peck in the State House on "The Duties of American Citizens." A key statement on civil obligations made was based on the biblical reference: "A servant, whether a Hebrew bound to serve for a term of years, or one brought [by] the heathen out of Judea, and bound for life, and his posterity after him, escaping from his lawful master, or going from one tribe to another, could not be rightfully harbored. And in this respect, there is some analogy in our government . . . . Hence the conduct of those in aiding and secreting fugitive slaves in our country, is a violation of the Hebrew laws. The Scriptures they bring to sustain them are perverted and misapplied." Illinois Journal, 7 January 1851. Another example of an attempt to urge citizens to obey the law and which rejected the concept of obligations to 'a higher law,' was the action of a "Union Meeting of private citizens in Upper Lick Creek, on January 7, 1851: "We desire to see the time, immediately, when ministers of the gospel of Christ, religious presses and religious people of all persuasions, engage in admonishing this community to adhere strictly to the Law of God, where we are commanded to be subject to our rulers. . . . We know that the idea is advanced that there is a Higher Law by which we are enabled to absolve ourselves from the laws of our land; when our consciences tell us so - upon particular or certain enactments - to which we reply that it is not only dangerous, but it is absurd in the extreme." Western Christian, 8 December 1853, commented that Peck "was



foremost among the few defenders" [of the Fugitive Slave Law] in this State."

25. Illinois Laws, Fourth General Assembly, 1826, 35.

26. Report to the Illinois General Assembly, 1857, 148, 512. Reference: Reverend J.M. Sturtevant, D.D., was named in 1857 as chaplain of the newly opened Illinois State Hospital for the Insane. In his report to the legislature, he stated that religious observances were being held in the State Hospital every Sabbath: "The observance of the Sabbath by appropriate religious exercises is a usage which cannot fail to receive the sanction of all." However, he complained that "adequate provision for it seem to have been overlooked in the design of this institution. As it must henceforth become one of the settled customs of the hospital, the provisions of suitable accommodations for it has been suitably considered in our plans for the future. Report to Senate and the House of Representatives, 1857, 557. See also: 452. McMasters listed as chaplain to the State Penitentiary. Illinois Journal, 8 June 1853. Reference to the Illinois State Hospital for the Insane and the action of the Board of Trustees: "Resolved, that when the chapel of this institution is finished, the superintendent be authorized when the condition of the patients will permit, to invite the clergymen of the town to perform religious services therein."

27. Reports Made to the Senate and House of Representatives of the State of Illinois, December 4, 1838-1839 (Vandalia: William Walker, 1839), 18. "Report of the Inspectors of the Penitentiary, December 8, 1838 to the House of Representatives."

28. Ibid., 1840, 20. "Report of the Select Committee on Penitentiary Submitted to the House of Representatives, January 15, 1839."

29. Reports Made to the House of Representatives, Second Session, Twelve General Assembly, December 7, 1840 (Springfield: William Walker, 1841), 45.

30. Reports Made to the Senate and House of Representatives of the State of Illinois, 1844, 101.

31. Sixteenth General Assembly, 1849, 102. Reference: "An Act to Provide for Improvements to the Penitentiary."

32. Ibid., Twenty-first General Assembly, 1859, 15.

33. Far West., 22 February 1855.

34. Gross, ed., The Statutes of Illinois, 1818-1868, 482. Gross referred to chaplains teaching English to prisoners as a reward for good behavior.
35. Reports Made to the Senate and House of Representatives, December 4, 1838-1839, 15. Reference: "Report of the Inspectors, December 8, 1838."
36. Illinois Laws, Thirteenth General Assembly, 1841, 142.
37. Journal of the Senate, 1842-43: Report to the Illinois Senate of the General Assembly, 1842-43, 182.
38. Illinois Journal, 1 January 1847.
39. Reports Made to the Twenty-second General Assembly of the State of Illinois, 1857, 15.
40. Laws of the State of Illinois Passed by the Fifteenth General Assembly, December 7, 1846 (Springfield: Charles H., Lanphier, 1847), 66. The Penitentiary laws were expanded in 1867 to clearly include the mandate to provide instructions in morality. See: Gross, ed., The Statutes of Illinois, 1818-1865, 471-487. The actual provisions as developed by 1867 read: "It shall be the duty of the chaplain to care for the moral, spiritual and intellectual interests of the convicts, to minister to the said convicts at all proper times, under the direction of the warden, or as provided in the rules and regulations hereinafter provided for; and he shall perform religious services every Sabbath day at least once in the presence of the male convicts, and in case of sickness of any convict shall give such advice and administer such spiritual consolation as such convicts may need." And, specifically in regards to the chaplain as moral agent, the provision was included: "and it shall furthermore be the duty of said chaplain to explain to all newly arrived convicts the duty and benefits of good behavior, and the consequences of ill behavior, and to all convicts about to be released from the penitentiary he shall give counsel and advice as may tend to keep them from crime in the future; and it shall also be the duty of said chaplain to perform proper religious service on the burial of any convict who may die in said penitentiary."
41. Reports to the General Assembly, 1838, 18.
42. Illinois Laws, Tenth General Assembly, 1836-1837, 248.

43. Report of the Select Committee on the Penitentiary submitted to the House of Representatives, January 15, 1839 (Vandalia: William Walters, 1839), 18-19.

44. Illinois Laws, Eleventh General Assembly, 1838-39, 279.

45. Reports Made to the Senate and House of Representatives of the State of Illinois, vol 1 (Springfield: William Walters, 1840), 20. "Report of the Select Committee on Penitentiary Submitted to the House of Representatives, January 15, 1839"

46. Reports to the General Assembly, 1857, 247.

47. Ibid., 453.

48. Illinois Laws, Twenty-first General Assembly, 1859, 16. See also: Gross, ed., The Statutes of Illinois, 1818-1868, 482. Lists "Bibles for convicts in penitentiary." See also: 42. The State also resolved that apprentices were entitled to a Bible. See also: Report to the General Assembly, 1838, 18. Reference to the Methodist Book Concern "in this city (making) a donation for the use of the convicts of twelve bibles; and the clergy of that denomination have manifest a very laudable interest in behalf of the prisoners."

49. Chicago Democrat, 17 February 1855.

50. Illinois State Journal, 19 October 1855, "Revival of Religion in the Alton Penitentiary." Chicago Democrat, 17 October 1855 reported that seventy-five convicts had received the rite of confirmation "in the course of a few months" by Episcopalian clergymen.

51. See: Chapter II, 28-33.

52. Sangamon Journal, 29 December 1842.

## CHAPTER VII

### LEGISLATIVE CONTROVERSIES: MORMON CHALLENGES TO LEGISLATIVE AUTHORITY

The Mormon settlements established within Illinois during the years 1839 to 1846 would mark a distinctive and troublesome phase in church-state relationships. It would be a time in which the legislature's resolve to support positively religion and religious societies, as it had in the past, would be severely tested. This period, indeed, involved the most controversial debates on church-state relations which would take place in ante-bellum Illinois. This confrontation also presented a rare opportunity to study the impact of legislative decisions on the operation of a religious group and the further general impacts on the larger society. The Mormon sojourn in Illinois represented a rare example in which a sectarian group became linked to the social and political institutions of the state, while at the same time developing its own institutions.

Although the Illinois legislature did not invite the Mormons to come into the state through any official act or resolution, influential political figures, such as Governor Thomas Carlin and Stephen A. Douglas, were moved by their

plight and readily exhibited receptiveness to their entry into the state.<sup>1</sup> Additional expressions of sympathy and material aid were extended to them not only from those living in and around Quincy, where the refugees first entered from Missouri, but from many people throughout the state.<sup>2</sup> This open encouragement was instrumental in the decision of the Mormons to launch their large scale migration into Illinois, originally intended to be a temporary refuge, during the winter of 1839-1840.

The conflict which developed in Illinois between the legislature and the Mormon sect can be explained, at least in part, in terms of republicanism. One aspect of this ideology held that society as a whole was very unstable, balancing between the twin evils of anarchy and tyranny. Further, government had a responsibility to maintain the stability and morality of society by promoting civic virtue and order. In particular, religion and the activities of religious societies were viewed as contributing to the morality and stability of the social order. It was partly within this republican context that the General Assembly supported the Mormon community through the granting of incorporation and charter privileges. Nevertheless, partly from their inherent beliefs and partly from a defense against the threats from the larger gentile society, Mormons would interpret and distort their charter privileges beyond what the Illinois lawmakers originally intended or foresaw.

The legislature largely viewed their actions as abuses of power, corruptive of civil virtue, and leading to tyranny and public disorder. They further maintained that such acts threatened the stability of the commonwealth itself and therefore could not be tolerated. As a result, the legislature would annul all Mormon charter privileges, for real, as well as imaginary, attacks on the republican system and institutions which operated within the state and nation. Mostly, however, the Mormons would be chastized for not accepting the traditional version of republican ideology and conforming their community to it.<sup>3</sup> The Sangamon Journal, expressing this sentiment, stated that "there were elements comprising the politico-religious organization of this sect, which were antagonistic to the genius of our Republican institutions, and which, sooner or later, must come in conflict with each other."<sup>4</sup>

Mormon participation in the body politic, especially in their practice of bloc-voting or supporting as a unit the political designators of their leadership rather than those of individual choice, represented the first major issue creating church-state tensions with Illinois politicians and the populous. In obedience to the proclamations of their ecclesiastical leaders to vote for specific candidates or parties, Mormons generally turned out at the polls in a unified fashion. This practice of bloc-voting gave a definite advantage to those receiving it. If not

guaranteeing virtual victory for "approved" local candidates in the counties of Hancock and Adams where the Mormons were largely concentrated, the practice definitely influenced the potential voting strength of either Whigs or Democrats in the state.<sup>5</sup> Of critical importance in this regard, was the fact that during the 1840's these two major political parties in Illinois were nearly equal in voting strength.<sup>6</sup> As a result, the Mormon vote was credited with determining some election outcomes. Consequently, both national parties, at least initially, attempted to court the Mormon leadership in order to secure their endorsements. Considering the violence and lack of political protection which the Mormons had experienced before coming to Illinois, in New York, Ohio and Missouri, such overtures were welcomed and produced many important benefits, most importantly, the city charter of Nauvoo.<sup>7</sup> However, the inconsistency of Mormon support, beginning with the presidential election of 1840 and continuing until driven from the state in 1845, resulted in considerable negative feelings, if not outright anger, as Whig and Democrat politicians discovered that they could not be counted on for sustained support. It became increasingly evident to them that the Mormons consistently voted in their own community-interest and not that of either political party.<sup>8</sup>

The exercising of the franchise as a unified bloc by members of this religious persuasion in state and national

elections was considered to be a perversion or threat to established and cherished American democratic and republican principles. As expressed by Representative David L. Gregg during the repeal debates on the Mormon charters in January of 1845, "their practice of voting as a unit" created "a prejudice against them in the minds of many."<sup>9</sup> During these ante-bellum years, no other religious group would raise as much concern among the population with directly influencing elections in Illinois through bloc-voting as the Mormons. The Chicago Daily Tribune, commenting on the political activities of this sect, maintained that "the power of the Mormon church is, in its very theory and practice, wholly inconsistent with the popular exercise of the elective franchise. The ecclesiastical authority is paramount to the civil authority; the former in an emergency will be obeyed even at the expense of the latter."<sup>10</sup>

The awakening and growth of "anti-Mormon" sentiments in Illinois can be traced largely to the election of 1840 and to the public awareness of Mormon potential political strength. This was the first election in which Mormons participated since their arrival in the state. As a result, in the counties of Hancock and Adams, a new political configuration or alignment began to take shape, no longer the traditional of Whig vs. Democrat but Mormon vs. anti-Mormons.<sup>11</sup> As noted previously, other religious organizations at this time did not involve themselves



directly in politics or attempt to exert direct political influence.<sup>12</sup> Denominational leaders would urge their memberships to be responsible citizens but did not in general dictate their choices. Some extreme Protestant groups, like the Covenanters, totally refused to participate both as a group and as individuals in the body politics.<sup>13</sup>

Illinois House Representative Richard Yates, during the Nauvoo Charter repeal debates in 1845, commented on the Mormon practice of bloc-voting as contributing to the growth of negative sentiments toward them. He affirmed:

This in itself is a sufficient condemnation of the course they have pursued. Here in this country, where freedom of opinion exists in its fullest extent, and where the freedom of speech and of the press, is unshackled by the fetters of tyranny, different views on political subjects must necessarily prevail in every community which thinks and acts honestly for itself. And it is not easy to estimate the enormities which twelve thousand people, handed together by delusions and corruptions, directed by a single will and impelled forward by one impulse, may commit.<sup>14</sup>

At this same House debate, Representative J. L. D. Morrison concurred that Mormon participation in the body politic and the competition of the political parties to secure their endorsements was a major source of the negative attitudes toward members of this sect:

No small share of the prejudices existing against them, owes its origin to the gambling politicians who have alternatively sought their support, and the gregarious manner in which as a people, they have thrown their weight into the conflicting political scales. At one election going with the Whigs, at the next voting to a man with the Democratic party, has engendered a spirit of distrust in the motives by which they have been actuated, and cast strong suspicion upon the means employed to produce such general, sudden and unexpected

changes.<sup>15</sup>

In his report to the General Assembly on the violence directed toward the Mormon community, Governor Ford also commented on their practice of bloc-voting. He stated that it was "the great cause of the popular fury against [them] that at several preceding elections they had cast their votes as a unit; thereby making the fact apparent that no one could aspire to the honor or office of the country, within their sphere of influence, without their approbation and votes." He continued:

It is indeed unfortunate for their peace, that they do not divide in elections, according to their individual preferences or political principles, like other people. This one principle and practice of theirs, has arrayed against them in deadly hostility, all aspirants for office who are not sure of their support, and all who have been unsuccessful in elections, with all their friends and influence.<sup>16</sup>

The second area of church-state controversy primarily involved the omnibus charter of incorporation granted to the Mormons for their city of Nauvoo on December 16, 1840 and several other charters. In response to their Missouri debacle, the Mormon leadership almost immediately appealed to the Illinois General Assembly to grant them civil protections by chartering their projected city of Nauvoo. What followed in the legislature was largely routine. When the charter was first introduced in the Senate in November of 1840, there was little indication of any serious reservations or concerns among its membership. The entire legislative process was completed within a period of three

weeks. Although concerned with the Mormon's plight, political considerations were undoubtedly the major motivation involved in the willingness of legislators to speed these measures through the General Assembly.<sup>17</sup> Nevertheless, such actions were not extraordinary for the legislature had previously established the precedents of granting charters of incorporation to other cities, including that of Springfield, Quincy and Chicago. And, their support of the Mormon religion was definitely in accordance with the already established policy of positive support for religion and religious societies. The enactment of the Nauvoo Charter was apparently also received by the general citizenry with little comment.<sup>18</sup> However, not publicized, or widely recognized at this time, was that some provisions which were granted to the Mormons had not been given to other religious groups, or those seeking public incorporation, and others provisions had the potential for abuse. Within less than a year, questions concerning the misuse or abuse by Mormon authorities of these liberal and ambiguous charter provisions would be raised in the legislature. Of increased concern to these lawmakers and the general public, was that these provisions provided the Mormons with extraordinary privileges in local governance and enabled them to operate as a semi-autonomous city-state, seemingly independent from state control and contrary to republican principles and state law.<sup>19</sup>

The realization on the part of the legislature as to what had been actually granted to the Mormons is a matter of conjecture. It seems reasonable to suggest that Whig and Democrat politicians had no great fear at the time of surrendering so much power, and each expected that the Mormons would reciprocate by supporting their candidates.<sup>20</sup> The Mormons, on the other hand, had few reservations as to what had been granted. They interpreted the Nauvoo charter to mean that they were now a semi-sovereign people within their city limits, free to govern themselves with few limitations. Apparently, this conception that they were a free, self-governing people practically independent of state authorities remained with them, even after their charters had been revoked and their forced removal from the state.<sup>21</sup>

Any uniqueness of the Nauvoo Charter becomes evident when compared with other city incorporation acts previously enacted by the legislature. There were five major cities in Illinois which had received charters by 1840. They were Alton, Chicago, Galena, Springfield and Quincy, in addition to that of Nauvoo.<sup>22</sup> Although the Nauvoo Charter was one of the shortest and by far the least specific in regard to many city provisions, it unquestionably was modeled on provisions included in these earlier enactments.<sup>23</sup>

A most significant provision, particularly in terms of its potential challenge to state authority, previously included only in the city charters of Alton, Chicago, and

now that of Nauvoo, was the authorization for the creation of a Municipal Court.<sup>24</sup> In the Nauvoo Charter, the Mayor and Aldermen, having been granted all the powers of Justices of the Peace, were to constitute this judicial body. The Mayor was to serve as the Chief Justice and the Aldermen as Associate Justices.<sup>25</sup> Consequently, there was in this charter a blending of executive, legislative and judicial functions in that the Mayor of Nauvoo was to be a member of the City Council as well as the Chief Justice of the Municipal Court. While it is accurate to state that similar provisions negating the republican principle of separation of powers were to be found in other city charters at this time, particularly that of Springfield from which the Nauvoo Charter was in part modeled, it should be recognized that the Mormon document also involved this further concentration of the Mayor's power, serving as Chief Justice, in the creation of the Municipal Court.<sup>26</sup>

Two very significant and controversial provisions in addition were lodged in this Municipal Court section. First, the Court was "to have the power to grant writs of habeas corpus in all cases arising under the ordinances of the city council."<sup>27</sup> It was this provision which would provide the primary basis for the later accusations that the Nauvoo Charter included unique and extraordinary provisions.<sup>28</sup> Few city charters provided by the state of Illinois included this provision.<sup>29</sup> This authorization to

grant writs of habeas corpus gave the Nauvoo Municipal Court considerable influence in that it suggested that any case arising under the Court's jurisdiction had to be tried before it. It was Joseph Smith's use of the Municipal Court, which made possible the assumption of more power than the legislature foresaw or intended, which created even more public opposition.<sup>30</sup> As a result, it became a virtual impossibility for state authorities to arrest Smith or any Mormons living within the jurisdiction of this Court. It would be charged that under the tutelage of Joseph Smith, the Municipal Court became the most powerful judicial tribunal in the state "setting at defiance the laws of both Illinois and the United States."<sup>31</sup>

The second controversial feature of the Nauvoo Charter concerned the twenty-fifth section which called for the creation of an independent military force for protection, to be maintained at state expense, and to be called the Nauvoo Legion.<sup>32</sup> This was an example of a provision not included in any previous city charter. Other city charters included provisions whereby the mayors, and likewise the governor, could call on the state militia, if necessary, to keep the peace; however, the Nauvoo Legion was to be separate and independent from that of the state forces. In addition, this military force was to receive state arms, but its officers and men were not under the control of the state militia or state officials, with the

exception of the governor. The fact that the Mormons were supplied with state arms was not in itself unique. For on January 22, 1831, the legislature had enacted "An Act for the Organization and Government of the Militia of this state" in which volunteer companies were to be outfitted at state expense. The governor was authorized to supply the arms and ". . . said company should be permitted to use [the arms supplied] upon all occasions, whenever they may be called together for any kind of duty."<sup>33</sup> The peculiar feature of the Mormon charter was that the Nauvoo Legion was not subject to the control of the state militia, although the men were subject to the same amount and nature of military duty. Much criticism would be directed toward the legislators who had approved this charter provision. The existence of this practically independent military force, which represented a potential threat to state authorities and local law enforcement, would become the source of considerable apprehension among the non-Mormon citizenry.<sup>34</sup> The Warsaw Signal of Warsaw, Illinois, observed that "the Saints maintained such a large armed body because they know their principles to be so utterly repugnant to the genius of our republican institutions, that nothing but the point of the bayonet could enable them to live in safety in any community."<sup>35</sup>

The Mormon city charter also included the unique feature of calling for the creation of "The University of

the city of Nauvoo."<sup>36</sup> This was the first city charter to date in Illinois which authorized the creation of a university system.<sup>37</sup>

The Mormons would receive other charters, separate from that of the city of Nauvoo Charter. On February 23, 1841, the legislature approved the incorporation of the Nauvoo House Association, for the purpose of creating a public house and on February 27, 1841, for the purpose of creating the Nauvoo Agricultural and Manufacturing Association.<sup>38</sup> There were several significant inclusions in the Nauvoo House Charter. One was that "spirituous liquors of every description" were prohibited and that "such liquors shall never be vended as a beverage or introduced into common use in said house."<sup>39</sup> The other was that Joseph Smith and his relatives were to have a set of rooms in this public house forever, in perpetuity.<sup>40</sup> It would be alleged that reserving rooms in this "Great Tavern" to Smith and his family was an attempt to re-establish the European aristocratic system of entail which had existed in America before the Revolution and which was contrary to early 19th century democratic and republican sentiments.<sup>41</sup> The association which was authorized to acquire land investments would also become a source of considerable controversy as public criticisms focused on the ever-increasing amounts of Mormon landholding in the state.<sup>42</sup>

It would appear that in granting these various



charter documents, the legislature did provide the Mormons with powers in the management of their local affairs. The Mormons had originally petitioned for such powers and the General Assembly was willing, if not anxious, to confer them. Indeed, about the only limitation repeatedly placed upon Mormon authorities in these documents was that they do nothing inconsistent with the Constitutions of the United States and of Illinois. Outside this limitation, they were seemingly allowed to make and execute such ordinances as their City Council deemed necessary for the good order and general welfare of their religious community.

It is unclear at what point the members of the legislature realized the extent of their liberality in the granting of these charters. The Sangamon Journal was aware of their generosity in 1841 pointing out that "the Senate had passed a bill incorporating the city of Nauvoo in Hancock County which embraces the most liberal provisions."<sup>43</sup>

Clearly, the Mormon leadership was pleased with their charter provisions as reflected in their response to the legislature:

Resolved, by the City Council of Nauvoo that the unfeigned thanks of this community be respectfully tendered to the Governor, the Council of Revision, and the legislature of the State of Illinois, as a feeble testimonial of their respect and esteem for noble high minded and patriotic statesmen, and as an evidence of gratitude for powers recently conferred.<sup>44</sup>

In the years following, 1841-45, the major grievances

against the Mormons focused on their alleged abuses of the charter privileges which had been granted. There were few other issues during these ante-bellum years which created as much controversy in the state government, the press, and the general population than that which developed following the granting of the city of Nauvoo Charter on December 16, 1840. As indicated, criticisms were not limited to the governance of the Mormon city alone, but also included the activities of the Nauvoo Legion, the University of Nauvoo, the Nauvoo House Association and the Agricultural and Manufacturing Association.

A series of events during the years 1840 to 1844 would raise questions regarding Mormon relationships with the state and the sovereignty of Illinois law. The first controversy involved the attempt of the state of Missouri in 1840, soon after the Mormons arrived in Illinois, to have Illinois authorities extradite Mormons previously charged with crimes committed while residents of their state. Responding to the request of the state of Missouri, Governor Thomas Carlin of Illinois issued writs for the arrest of these Mormons but because they were improperly executed, the Illinois Court declared them to be invalid. The importance of this writ incident was initially to create public sentiments in support of the Mormons. They were generally viewed to be a persecuted people who had turned to Illinois for assistance and that the state should protect them

against their former enemies. It served also to encourage Joseph Smith in the belief that he need not fear Missouri authorities as those in Illinois would protect him.

However, as increasing numbers of people began to view the Mormons as possessing special or extraordinary exemptions and privileges, the incident would be reevaluated and questions raised as to whether or not the laws of Illinois had been upheld in Hancock County.<sup>45</sup>

The second, and much more significant, controversy began on May 6, 1842, following the attempted assassination of ex-Governor Boggs of Missouri and the alleged Mormon complicity. After some delay, the Missouri authorities would again attempt to have the Mormon leaders arrested and their efforts would be prevented by the intervention of the City Council and Municipal Court of Nauvoo. Designing to take Joseph Smith and any other Mormons from under the Governor's warrant, the City Council passed a controversial habeas corpus act of their own on July 5, 1842, before any arrests were made. The provision read that any person or persons arrested "under any writ or process, and shall be brought before the Municipal Court of this City by virtue of a writ of habeas corpus, the court shall in every such case have power and authority and are hereby required to examine into the origin, validity and legality of the writ or process under which said arrest was made."<sup>46</sup> And, most significantly, the Council declared that the Municipal Court

could not only determine the merits of the writ or process but if necessary, conduct a trial to determine guilt or innocence. In effect, the City Council had greatly extended the powers originally granted by the legislature to the Municipal Court in regard to the granting of writs of habeas corpus. The legislature had specifically included a limiting clause in the city of Nauvoo Charter that "the Municipal Court shall have the power to grant writs of habeas corpus in all cases arising [only] under the ordinances of the City Council." The Council by its action had extended the power of the Municipal Court to grant writs of habeas corpus "in all cases whatsoever," and further assumed the right to try the merits of cases in Nauvoo, instead of the places where the alleged crimes had been committed. Such acts on the part of the City Council produced considerable negative reactions outside the Mormon community. It would be charged that this act destroyed the limitations which the legislature had set down in the city charter of Nauvoo and represented an unauthorized extension of municipal authority. Governor Thomas Ford wrote that the original charter intended to give the jurisdiction "only in cases where imprisonment was a consequence of the breach of some ordinance of the city of Nauvoo but that it was interpreted by the Mormons to authorize the enlargement and extension of the jurisdiction of the court by ordinance."<sup>47</sup> When Joseph Smith and Orrin Porter Rockwell were brought

before the Municipal Court, they were not surprisingly released under the new city ordinance. By placing themselves under the Municipal Court, Smith and Rockwell were therefore able to defy both the authority of Governor Carlin and the state of Illinois.<sup>48</sup> Carlin, although refusing to recognize the legality of the Nauvoo City Council proceedings and that of the Municipal Court, did not press the issue during the remaining months of his administration. However, he did offer his views in a letter to Smith's wife, Emma, on September 7, 1842, that the Municipal Court's action was "most absurd and ridiculous; and to attempt to exercise it is a gross usurpation of power that cannot be tolerated."<sup>49</sup> The Mormon leaders would remain in hiding from state authorities until after the election of Thomas Ford as governor in the Fall of 1842.<sup>50</sup>

The third controversy, set in motion by divisions within the Mormon community itself, was in response to the destruction of a dissenting Mormon newspaper, the Nauvoo Expositor, authorized by Joseph Smith and the Nauvoo City Council. This event would cause the greatest public opposition to date against the Mormon community in Illinois.<sup>51</sup> The first and only issue of this newspaper, published on June 7, 1844, by a group of excommunicated church leaders, was highly critical of Smith's leadership. These once influential Mormons, lead by Charles Foster a former elder in the Church, were radically opposed to

Smith's teachings on polygamy, his political activities, including his open candidacy in 1844 for the presidency of the United States and his autocratic rule as Mayor of the city of Nauvoo and as the primary spiritual leader of their sect. In a list of resolutions calling for major changes within the Mormon community, this newspaper even called for the "unconditional repeal of the Nauvoo city charter."<sup>52</sup> In addition, it included an open letter asking their co-religionists not to support Hiram Smith's candidacy for the state legislature. Clearly, these dissenters with their intimate knowledge of the workings of the Mormon theocracy represented a threat to Joseph Smith's control.<sup>53</sup> Their protests also added to the increasing negative public sentiments which had resulted from the vilifications of the ex-Mormon John Bennett, several southwestern Illinois newspapers and other extreme Mormon critics.<sup>54</sup> The City Council, presided over by Joseph Smith in his capacity as Mayor, met and indicted those behind the Nauvoo Expositor newspaper for libel. And, applying the charter provision of determining what constitutes "public nuisances," it ordered all copies of this newspaper to be confiscated and the press itself to be destroyed. The Council justified its action on the basis of a clause from the Quincy charter, which had been incorporated into that of Nauvoo, giving the city the power to declare what "shall be a nuisance and to remove the same."<sup>55</sup> Thus, on June 10, 1844, Smith ordered the City

Marshal, with the assistance of the Nauvoo Legion, to demolish the dissenter's newspaper facility. One eye-witness was reported to have said that it was ". . . one of the most extreme outrages ever perpetrated in the country."<sup>56</sup> Governor Ford stated "that by destroying the Expositor newspaper, the City Council of Nauvoo had committed a gross outrage upon the laws and liberties of the people, and had violated the Constitution in several particulars."<sup>57</sup> This attack on the press provided the final catalyst which would not only result in the shooting deaths of Joseph and Hiram Smith and the increased popular pressure to repeal all the Mormon charters, but also to remove them from the state. The Sangamon Journal summarized the situation: "The unauthorized powers which the City Council of Nauvoo have exercised, are producing a feeling in the public mind, hostile to the continuation of the charter of Nauvoo. Indeed, a portion of its own citizens, are in favor of its unqualified repeal . . . ." <sup>58</sup>

Efforts to secure the repeal of the powers granted under the various Mormon charters commenced almost as soon as the new city government of Nauvoo had taken shape and began to enact ordinances. The Nauvoo City Charter was an important campaign issue in the 1842 governor's race. Governor Joseph Duncan, the Whig incumbent, was one of the first to openly criticize the Mormon grants as a threat to republican and democratic governance. According to Thomas

Ford, Duncan "expected to be elected governor almost on this question alone."<sup>59</sup> Duncan made his views clearly evident in an address in Edwardsville, Illinois, on May 5, 1842, by referring "to the dangerous and alarming powers which were granted to the Mormons in various charters passed at the session of our last legislature." He stated that he was:

for extending the same privileges and none other, that our citizens in common enjoy under the provisions of our constitution and laws. But all extraordinary, anti-republican and arbitrary powers, which the corruption of a legislature granted them solely for the purpose of obtaining their political support, he unhesitatingly proclaimed he was for taking from them.<sup>60</sup>

Specifically referring to one of the ordinances passed by the City Council "which provided that if any person spoke lightly or doubted their religion, upon conviction thereof, the offender was liable to a fine of five hundred dollars and six months imprisonment," Duncan said it was a "disgraceful attack against republican governance."<sup>61</sup>

Again, in a stump speech in Jacksonville, Illinois, in June, 1842, he charged the legislature with corruption "by which the majority sought to purchase the influence of Joe Smith to be used in elections." To substantiate this charge, he referred to the manner in which the Mormon charter had been rapidly passed through the legislature "without [a formal] reading."<sup>62</sup>

Thomas Ford, who unexpectedly became the Democratic challenger in the governor's race in 1842 due to the death of Adam W. Snyder, likewise attacked the Mormon charters.<sup>63</sup>



"The Charters," according to Ford, were "unheard of and anti-Republican . . . and capable of infinite abuse by a people disposed to abuse them." He specifically noted that "the great law of separation of powers was wholly disregarded."<sup>64</sup>

The question of whether or not Mormon authorities had violated the laws of the state by exceeding the charter provisions as granted by the legislature was first formally raised in the Illinois Senate on December 10, 1842. At this time, Senator Benjamin Johnson introduced a controversial preamble and resolution which in strong terms denounced Mormon actions and called for the total repeal of the Nauvoo Charter.<sup>65</sup> During the debate which followed on the next day, Senator Johnson reiterated his reasons for introducing his resolution:

Now sir, it does not appear to me that every Senator must be satisfied that Jo Smith, the Mormon prophet, has used this charter to arrest himself from the civil authorities of the State, by causing himself to be brought before the municipal court of Nauvoo, and upon a trial of some sort, discharged, and thus vauntingly set at defiance the civil authorities of this State. And that he has openly traduced and vilified the Governor of Missouri and Ex-Governor Carlin, and set at defiance our institutions, there can be little doubt. Although but few citizens of this State may have seen these Mormon papers, yet enough was copied into respectable papers in this State to have enabled every Senator and citizen to have satisfied himself, that they were making a taunt and downright mockery of our free institutions.<sup>66</sup>

He concluded by stating his position that whenever a people abuse their charter privileges, such privileges should be taken away. He asked: ". . . can anything be more

diabolical and prejudicial to our institutions than to see them thus set at nought by the use or abuse of a charter of a city?"<sup>67</sup> Not everyone shared Senator Johnson's views. A few men spoke in support of the Mormons, most however were hesitant. At this time, the Mormons were still a political force within the state, and the political motives that prompted the passage of the charters in the first place in 1840 were undoubtedly still very much in evidence in 1842.

Nevertheless, after more than two years of debating, December 1842 - January 1845, the Illinois legislature resolved to repeal all the charters previously granted to the Mormons.<sup>68</sup> According to Governor Ford, "this was supposed to be a remedy for all the evils of Mormonism."<sup>69</sup> The reasons for this legislative action were complex. Basically, this governing body was attempting to correct its previous mistake, or unwise action, of granting charter provisions which were liberal and ambiguous. Provisions which the vast majority of the legislators, the southwestern Illinois press, and other would claim to have been misinterpreted and misused by Mormon authorities in violations of the laws and legal traditions of the state. In the legislative repeal debates, it was charged that there had been little deliberation and much haste in regard to the passage of all the Mormon charters.<sup>70</sup> It was also charged that political considerations had been the primary motivations behind the enactment of these bills. Both Whigs

and Democrats were accused of using the opportunity of sponsoring these charters to court the Mormon vote, each expecting to be rewarded in future elections.<sup>71</sup>

Legislators charged that the actions of the Nauvoo Municipal Court in issuing writs of habeas corpus as authorized by the City Council to be the most serious violation of judicial procedures. These actions, which had the effect of annulling writs previously issued by Missouri and Illinois authorities to arrest Joseph Smith and other church leaders, were regarded as blatant examples of the misuse, or misinterpretation, of the Nauvoo city charter provisions. The Mormon authorities interpreted their charter provisions for their own self-protection but this explanation failed to satisfy or impress their detractors. The issuing of habeas corpus writs with broad applications clearly undermined the generally accepted and judicial understandings of the powers granted to municipal courts in relationship to higher courts or state authorities. It would be affirmed by some legislators that such extraordinary actions were never intended, or even conceived, by those who had originally pushed for the enactment of the Mormon city charters. Representative John T. Davis summarized this sentiment when he said that "he would boldly proclaim his full belief that the Mormon charters were dangerous in the extreme; and if suffered to continue, would at no distant day, cause the most serious

trouble among the people of this State."<sup>72</sup>

There were obviously other issues involved in the charter repeal debates between the Mormon leadership and the representatives of the state of Illinois. The existence of a virtually independent military arm, in the form of the Nauvoo Legion, supplied with state arms, but which was not under the control of the state militia or state authorities, with the exception of the governor, raised apprehensions among Mormon detractors that this force constituted a private standing army which could be used to challenge the authority and the laws of the state.<sup>73</sup> The action of the church authorities in the City Council, supported by the Nauvoo League, in authorizing the destruction of the Nauvoo Expositor in 1844, substantiated these fears and further demonstrated that the Mormon leadership was not acting within the approved governing consensus of this time. The Senate Judiciary Committee in 1844 expressed this concern when it stated that this Mormon action struck "at the very foundation of our society."<sup>74</sup> Refusing to accept the Mormon explanation that this incident was based on an internal religious struggle, legislators, and others concerned with upholding basic civil liberties, regarded the affair as an attack on the freedom of the press. Representative Richard Yates on January 16, 1845, described the destruction of the Nauvoo Expositor as an "unwarrantable acts by their despotic leaders." He further commented on

the violations of civil liberties which were involved:

They met in common council, declared a public press a nuisance, and ordered it to be destroyed. Yes, sir, without a regular trial, without a notification to the conductors of the press, without their being heard in their defense, they passed a decree for the destruction of their property; and all for daring to publish sentiments variant from those of their dictatorial tyrant. Where then is the regard for religious toleration? Surely not among the Mormons.<sup>75</sup>

The Nauvoo Expositor incident was only the last of many challenges or perceived threats by Mormons to the laws and political traditions of this day. The influence of the church leadership in the governance of their community was also regarded by many non-Mormons to constitute a theocracy and a repudiation of democratic freedoms. The fact that Joseph Smith simultaneously held several political offices, acting as Mayor, head of the City Council, Chief Justice of the Municipal Court and Lieutenant-General of the Nauvoo Legion, in addition to his leadership and control of the church, was viewed to constitute serious violations of the separation of powers principle in governance as well as the separation of church and state.<sup>76</sup>

It would appear that in a very short period, less than five years, the majority of the members of the Illinois legislature would reverse their attitude in support of Mormon charter privileges and the Mormon community in general. Initially regarded as religious refugees fleeing persecution in Missouri, the legislature received the Mormons warmly, encouraged them to migrate into the state

and provided liberal charter provisions to help them create their model communities. Increasingly, however, members of the Mormon sect would be viewed as untrustworthy in regard to their obedience to their charter provisions, to the laws of the state and to the protection of basic civil liberties. And, it became more and more unthinkable to legislators and to the general public, subjected to the negative propaganda of an increasingly hostile press, to allow Mormons to continue to pervert and to abuse the charter privileges and powers which had been granted them. Representative J. L. D. Morrison in March of 1845 expressed these sentiments when he called for the total repeal of the Mormon "obnoxious" charters:

An unqualified repeal of the present charter is demanded by every consideration of justice to the citizens of Nauvoo and to the legislature. It has justly become odious to the people; they disapprove of the influence operating upon both political parties at the time it was granted, and as a vindication of their rights, we must regain the power bartered away in that instrument for base political purposes.<sup>77</sup>

Senator Davis concurred in support for the total repeal of the Mormon charters. "The charter itself," he said, "if given to any other people, could not be objected to. Give the [M]ormons power to pass any ordinance, and they will have all the power they want. They would under this power set up, as they have done, an independent government in this State, in defiance - not only of our laws, but those of the United States." He insisted that the militia had been called out in Hancock County "just because their charter had

enabled the people of Nauvoo to violate all law, all good government, all those principles which had been sacred in free government."<sup>78</sup>

Thus, the Mormon community would experience increased animosity from the majority of the members of the General Assembly and from the general public to what was perceived as basic challenges to democratic principles and institutions. Charging repeated violations and abuses of their incorporation privileges, the legislature would resolve to repeal unconditionally all the Mormon charters previously granted and would refuse to extend any further incorporation privileges, even in the form of a modified document.<sup>79</sup> On March 6, 1845, the Sangamon Journal praised the legislature for its actions:

The legislature has carried out the will of the people in repealing the Nauvoo Charter. The abuses of that charter - the violation of all law - the corrupting influence of the system of polygamy, as charged upon the Mormons - fully justified the legislature in the course they have pursued in this case. If this people, as they profess, are governed in their conduct by direct revelation from Heaven, they can manage their matters without a charter from the legislature of Illinois.<sup>80</sup>

Again, more was involved in regard to the repeal of Mormon incorporation privileges than the alleged challenges to the laws and institutions of the state. The fact that Mormons chose to live as an integrated community which functioned together economically and politically, marked them as exclusive and as outsiders. Their very success, in part, was their undoing. The rapid growth in converts

evinced envy as Nauvoo became the largest city-state in Illinois. Their inroads into local and state government, as exemplified by their political domination in Hancock County and the election of William Smith, the brother of Joseph Smith, and J. B. Backenstos, a strong Mormon sympathizer, to the Illinois House of Representatives, raised concerns over their political pretensions.<sup>81</sup> Their unorthodox missionary methods, their denunciation of other religious traditions as invalid and creations of the Devil, their autocratic leadership and their view that government based on the consent of the people was wrong, and their attempt to form a political state in preparation for the millennium and introducing forms of state socialism, not to mention polygamy, all contributed to the growth in anti-Mormon sentiments and hastened their removal from the state. It would be claimed in the legislative debates that religious questions, dogma and church polity had no part in the final decision to repeal all the Mormon charters. However, Mormon charter supporters asserted that religious bigotry was involved. William Smith raised this issue when he stated that "if members of the legislature had pledged themselves in their election campaigns to vote against the Charter of the city of Nauvoo, they had made a bad promise."<sup>82</sup> And, he questioned the House membership: "if the name 'Mormon,' attached to these charters, was not the cause of this extraordinary opposition?" Representative A. W. Babbitt



also stated on January 11, 1845 that he "intended to say something to remove the prejudice of the House" against the Mormon people.<sup>83</sup>

As such negative pressures directed toward the Mormon community continued to increase, advocacy mounted for their total removal from the state. It would appear that a dominant sentiment had developed within the General Assembly that there were irreconcilable political and religious differences between the citizens of the state and those of the Mormon community on their loyalty to the laws and institutions of Illinois and the proper role of church leaders in the public sector.<sup>84</sup> In an atmosphere of increased tension and open violence between Mormons and so-called "anti-Mormons," which led to the deaths of Joseph and Hiram Smith in a Carthage jail in 1844, while under Governor Ford's pledge of protection, and with the state governing authorities unable or unwilling to control the growing anarchy, particularly in Hancock County, it looked to many legislators that the Mormons in Illinois would be subjected to the same treatment which they had experienced while in Missouri before coming to Illinois.<sup>85</sup> Efforts would be made, largely on the part of Governor Ford, to convince "the Saints" that the only way for peace to be established was for them to leave the state. He described the situation:

Scattered through the country, they might have lived in peace like other religious sects, but they insisted upon

their right to congregate in one great city. The people were determined that they should not exercise this right. And it will be seen . . . that in their case, as in every other where large bodies of the people are associated to accomplish with force an unlawful but popular object, the government is powerless against such combinations.<sup>86</sup>

Eventually, under the leadership of Brigham Young the Mormons would promise to remove themselves if state protection were granted during the period of their removal. In a report to the General Assembly on December 7, 1846, Governor Ford commented again on the removal of the Mormons from the state and why it was necessitated. He stated that "the great body of them removed voluntarily; but a small remnant were barbarously expelled with force, in a manner which reflects but little credit on the state or its institutions." And, he concluded:

Much difficulty has ever existed between this people, and the neighbors by whom they have been surrounded; from which it was apparent, that their continuance amongst us would have been the fruitful source of frequent wars and tumults, alike disgraceful to the state, above the power of the constituted authorities to suppress, demoralizing to the residue of the inhabitants, and encouraging, to a spirit of anarchy and disregard of law, subversive of republican government.<sup>87</sup>

In many ways, the legislature has to bear a large amount of responsibility in regard to its difficulties with the Mormons in the state. In receiving charters with vague and unspecified provisions, the Mormon leadership, in seeking to protect its members, was encouraged to exercise powers beyond those specifically granted and which the legislature would later not consider to be prudent or

reasonable. The fact that many of these liberal and ambiguous provisions were previously granted to other cities, namely Alton, Springfield, Quincy and Chicago, did not make them any more valid or less dangerous. Even the provision in the Nauvoo Charter for the creation of a municipal court with powers to grant writs of habeas corpus, although granted to few other municipalities, had the potential for great abuse. Possibly the provision with the most potential for abuse, and which represented the most unique feature in the Nauvoo Charter, was the Nauvoo Legion. By allowing for the creation of this military force, largely independent of state authority and control with the exception of the governor, the legislature had again unwisely permitted an agency to be formed which had great potential for abuse. Nevertheless, the Mormons must also share in the responsibility for their own demise in the state. Clearly, their leadership did take advantage of the unspecified and ambiguous provisions included in their charters. Many of their actions can be explained as responses to the persecutions which they had experienced before coming to Illinois and for the need to protect their leaders and community from future acts of intolerance. However, in expanding or reinterpreting their prerogatives beyond what their charters specifically provided or what was prudent, they in effect challenged many of the basic republican traditions which the majority of the members of

the legislature and the larger population of the state identified with the protections of their civil freedoms and liberties. It is also a fact that the Mormon involvement in the body politic of Hancock and Adams Counties and in the state, particularly in their practice of bloc-voting, served further to alienate them from the greater population.

## NOTES

1. B. H. Roberts, The Rise and Fall of Nauvoo (Salt Lake City: Deseret News, 1900), 23.

2. Mrs. Paul Selby, "Recollections of a Little Girl in the Forties" Journal of the Illinois State Historical Society, 16 (April-June, 1923), 168. She provided an eyewitness account of the desperate condition of these refugees arriving at Quincy during the winter of 1839-40: "They were generally, I suppose of the poorer and more illiterate class. They were in such a distressing condition when they arrived that the good people of the town took pity on them and gave them temporary relief. My mother gave one old woman a home."

3. Kenneth H. Winn, Exiles in a Land of Liberty: Mormons in America, 1830-1846 (Chapel Hill: University of North Carolina, 1989), 1-5, 237. Winn developed the thesis that the Mormons viewed themselves to be the "true republicans" in America. He interpreted the contest between Mormons and gentiles as a struggle between anarchy and tyranny. He claimed that the Mormons charged the gentiles with creating anarchy and the gentiles in turn charged them with tyranny. He stated that "those who charged the Mormons with anti-republicanism were casting out of the nation the only true republicans." He also stated that "the historians who believe that Mormon values were rejected by the majority of their neighbors as being anti-republican are, in effect, accepting the interpretation of the contemporary anti-Mormons themselves." Winn largely interpreted Mormon activities to a "defensive posture" against outside militancy.

4. Sangamon Journal, 24 June 1854.

5. Robert B. Flanders, Nauvoo: Kingdom on the Mississippi (Urbana: University of Illinois Press, 1965), 231. Flanders questioned the decisive role of the Mormons in state politics. He stated that they "did not at any rate hold a balance of power between the two parties in Illinois." For county voting records, see: Theodore C. Pease, Illinois Election Returns, 1818-1848 Vol. XVIII, Collection of the Illinois State Historical Library (Springfield: Illinois State Historical Library, 1923).

6. Peter Cartwright, Autobiography of Peter Cartwright, the Backwoods Preacher ed. W. P. Strickland (Cincinnati: Cranston and Curtis, 1856), 228. Cartwright commented that the political parties in the State were "nearly equal." He maintained that "those wretched Mormons, for several years, held the balance of power, and "were always in the market to the highest bidder." For a discussion of the shifting of Mormon political alliances, see: George A. Gayler, "The Mormons in Illinois Politics, 1839-1844," Journal of the Illinois Historical Society 49 (1956): 48-66.

7. Robert K. Fielding, "The Growth of the Mormon Church in Kirtland, Ohio" (Ph.D. diss., Indiana University, 1957), 180-181. The Mormons did not receive any special charters while in Ohio or Missouri. In regard to the Kirkland Safety Society Bank Company of Ohio, he suggested that the Mormons realized that religious prejudice against them and banking in general, worked against their seeking incorporation from the legislature.

8. Flanders, 231. The Mormons gave their unified support to the Whigs in 1840, and again in 1842. In the governor's race in 1842, they switched to the Democrats.

9. Sangamon Journal, 20 February 1845, presenting the House minutes of 16 January 1845.

10. Chicago Daily Tribune, 11 September 1843.

11. Thomas Ford, History of Illinois from its Commencement as a State in 1818 to 1847 vol. 2 (Chicago: Lakeside Press, 1945), 42. Governor Ford maintained that "the people called Mormons, but who called themselves the Church of Jesus Christ of Latter-Day Saints, began to figure in the politics of the State in 1840. He claimed the Joseph Smith had published a proclamation in the Nauvoo Time and Season on January 1, 1842, exhorting his people to vote for the Democratic nominee Adam W. Snyder for governor.

12. See: Chapter II, 2-8.

13. Journal of the Constitutional Convention of 1818, 365.

14. Sangamon Journal, 20 February 1845, commenting on the House debate, 16 January 1845.

15. Ibid.

16. Report Made to the Senate and House of Representatives of the State of Illinois, December 2, 1844 vol. 1, 71. Reference: "Message from the Governor in relation to the disturbances in Hancock County."

17. Ford, vol 2, 64. The Sangamon Journal, 10 June 1842, provided some background details of the passage of this legislation.

18. Winn, 158.

19. Flanders, 104. Flanders observed that Joseph Smith interpreted the charter as making Nauvoo a semi-independent city, federated with Illinois much as the state was federated with the national government. While recognizing that obligations were owed to the state, the Mormons nevertheless reserved to themselves certain rights, privileges and immunities.

20. Sangamon Journal, 10 June 1842. Reference to Whigs and Democrats charging each other with irresponsibility for the hasty passage of this legislation. Also, that the Nauvoo City Charter was favored by both parties; however, the Democrats, not the Whigs held the majority in the legislature.

21. Therald N. Jersen, "Mormon Theory of Church and State" (Ph.D. diss., University of Chicago, 1938), 38ff. See also: Flanders, Nauvoo: Kingdom on the Mississippi, 159.

22. Dates of city incorporations were: Alton, February 16, 1836, see: Illinois Laws, Special Session, Tenth General Assembly, 1836-37 Special Session, 17-29; Chicago, March 4, 1837, see: Illinois Laws, Tenth General Assembly, 1836-37, 50-81; Galena, February 13, 1839, see: Illinois Laws, Eleventh General Assembly, 1839, 25-36; Springfield, February 3, 1840, see: Illinois Laws, Eleventh General Assembly, 1839-40, 6-15; Quincy, February 3, 1840, see: Illinois Laws, Eleventh General Assembly, 1839-40, 113-122; Nauvoo, December 16, 1840, see: Illinois Laws, Twelfth General Assembly, 1840-41, 52-57.

23. Edward W. Tullidge, The Life of Joseph Smith the Prophet (Plano, Illinois: Board of Publication of the Reorganized Church of Jesus Christ of Latter-Day Saints, 1880), 303. William Heth Whitsitt, "The Life of Sidney Rigdon, the Real Founder of Mormonism," Unpublished manuscript, Library of Congress, 1885, 1141. Whitsitt quoted Joseph Smith as saying that the bill was his creation: "The City charter of Nauvoo is of my own plan and device. I concocted it for the salvation of the church, and on principles so broad that every honest man might dwell

secure under its protective influences without distinction of sect or party." However, Governor Ford statement that "the charter was directly modeled after that of the City of Springfield, approved February 3, 1840, as well as that of Quincy and Chicago," directly challenges the Mormon leader's claim. See also: General Assembly, Report to Senate, and House of Representatives, 1842-43, 128. An example of direct borrowing by the legislature from other city charters can be seen in Section 13 of the Nauvoo document. In outlining the specific regulatory powers granted to the City Council, a provision was included that it was "to exercise other legislative powers as are conferred on the city council of the city of Springfield, approved February third, one thousand eight hundred and forty." See: Illinois Laws, Twelfth General Assembly, 1840-1841, 54-55.

24. Illinois Laws, Incorporation Laws, Eleventh General Assembly, 1839, 63. The Chicago Charter was amended on February 15, 1839, less than two years after its enactment, by repealing the provision establishing a municipal court "in favor of the circuit court."

25. Ibid. Those wishing to appeal the decisions and judgments of the Mayor or Aldermen were to come before this court and had the right to a trial by a jury of twelve men. If dissatisfied with the decision of this court, appeals could be taken to the Circuit Court of Hancock County "to determine the final judgment of the municipal court . . . in the same manner as appeals are taken from the judgment of justices of the peace."

26. Ibid., 12.

27. Ibid., [Section 17], 55.

28. Ford, vol. 2, 314-15.

29. Illinois Laws, Eleventh General Assembly, 1838-39, 240. The Alton City Charter as amended in 1839 included the provision that ". . . the judge of the municipal court of the city of Alton shall have power . . . to issue writs of habeas corpus."

30. Flanders, 99.

31. Sangamon Journal, 13 June 1844.

32. Illinois Laws, Eleventh General Assembly, 1840-1841, 55. This provision read: "The city council may organize the inhabitants of said city subject to military duty into a body of independent military men, to be called the 'Nauvoo Legion,' the court martial of which shall be



composed of the commissioned officers of said legion, and constitute the law making department, with full powers and authority to make, ordain, establish and execute all such laws and ordinances as may be considered necessary for the benefit, government, and regulation of said legion:

Provided, Said court martial shall pass no law or act repugnant to, or inconsistent with the Constitution of the United States, and of this State, and Provided, also, that the officers of the legion shall be commissioned by the Governor of the State. The said legion shall perform the same amount of military duty as is now, or may be hereafter required of the regular militia of the State, and shall be at the disposal of the mayor in executing the laws and ordinances of the city corporation, and the laws of the State, and at the disposal of the Governor for the public defense, and the execution of the laws of the State, or of the United States, and shall be entitled to their proportion of the public arms, and Provided, also, that said legion shall be exempt from all other military duty."

33. Illinois Laws, Seventh General Assembly, 1830-31, 94.

34. Flanders, 113.

35. Warsaw Signal, 7 July 1841.

36. Illinois Laws, Twelfth General Assembly, 1840-41, 56-57.

37. Ibid., 55.

38. Ibid., 131-132, 139-141. This bill entitled, "An act to incorporate the Nauvoo Agricultural and Manufacturing Association, in the County of Hancock" authorized thirty-four people, including Joseph Smith, his brother Hiram, and other Mormon leaders, to constitute a corporation whose sole purpose was "for the promotion of agriculture and husbandry in all its branches, and for the manufacturing of flour, lumber and such other useful articles as are necessary for the ordinary purposes of life." Capital stock was not to exceed \$300,000 and was to be divided into \$50.00 shares. This corporation was self-governing, being authorized to establish their own by-laws, "provided the same are not repugnant to the laws and Constitutions of this State or of the United States." Twenty trustees were to be elected to manage the corporation.

39. Ibid., 139. This act read in part: "George Miller, Lyman Wright, John Snyder, and Peter Haws, and their associates, are hereby declared a body corporation under the name and style of the 'Nauvoo House Association,' and they

are hereby authorized to erect and furnish a public house of entertainment to be called the Nauvoo House." These men were to act as trustees, being authorized to obtain stock subscriptions, not to exceed \$150,000 and to be divided into \$50.00 shares, to oversee the construction and management of the building and the general management of the association.

40. Ibid., 132. This provision read: "And whereas Joseph Smith has furnished the said association with the ground whereon to erect said house, it is further declared that the said Smith and his heirs shall hold by perpetual succession a suit of rooms in the said house, to be set apart and conveyed in due form of law, to him and his heirs by the said trustees as soon as the same are completed."

41. Sangamon Journal, 15 December 1842. It was editorialized that attempting "to entail an estate upon the family of this head of the Mormon church . . . is a principle odious to freemen and against the spirit and genius of our government." See also: Ford, History of Illinois . . . 1818 to 1847, vol. 2, 66.

42. Sangamon Journal, 19 January 1843. Reference to the House debate of 10 December 1842. William Smith, one of two House members of the Mormon faith, referred to the jealousy or envy on the part of non-Mormons that "the Agricultural Society of Nauvoo had acquired vast amounts of property and that the Nauvoo House Association has issued large amounts of stock." See also: Illinois General Assembly Report, 1842-43, 128-129.

43. Sangamon Journal, 27 February 1841.

44. Tullidge, 304. See also: Whitsitt, 1141.

45. Ford, vol. 2, 69. See also: Sangamon Journal, 18 June 1841, for an account of the trial before Judge Stephen Douglas. It would be charged later that Douglas, as one of the leading Democrats in the State, was at the time attempting to cultivate Mormon political support for himself and his party. An examination of his political career also demonstrates his association and positive support for Mormon interests until the general popular revulsion following the Nauvoo Expositor incident. See: Johannsen, 161, 378.

46. Whitsitt, 1225. See also: Sangamon Journal, 15 July 1842. The actual provisions read: "Section 1. Be it ordained by the City Council of the City of Nauvoo, that in all cases where any person or persons shall at any time hereafter be arrested, or under arrest in this City under any writ or process, and shall be brought before the Municipal Court of this City by virtue of a writ of habeas

corpus, the court shall in every case have power and authority and are hereby required to examine into the origin, validity and legality of the writ or process under which said arrest was made, and if it shall appear to the court upon sufficient testimony that said writ or process was illegally or not legally issued, or did not proceed from proper authority, then the court shall discharge the prisoner from under said arrest; but if it shall appear to the court that said writ or process had issued from proper authority and was a legal process the court shall then proceed and fully hear the merits of the case upon which said address was made . . . so that a fair and impartial trial and decision may be obtained in every such case. Section 2. And be it further ordained that if upon investigation it shall be proven before the Municipal Court that the writ or process has been issued, either through private pique, malicious intent, religious or other persecution, falsehood or misrepresentation, contrary to the Constitution of the United States or of this State, the said writ or process shall be quashed and considered of no force or effect, and the prison or prisoners shall be released and discharged therefrom."

47. Ford, vol. 2, 70.

48. Sangamon Journal, 26 August 1842. This editor referred to the enlargement of powers by the Nauvoo Municipal Court as a "judicial innovation: It is the extreme folly to suppose that Joe Smith can put at defiance the powers of this State; if that power is honestly exerted. Joe at this time, holds Illinois in awe of his authority! What a state of degradation."

49. Joseph Smith, and Herman C. Smith, History of the Church of Jesus Christ of Latter-Day Saints, vol. 5 (Lamoni, Iowa: Reorganized Church of Jesus Christ of the Latter-Day Saints, 1896), 154. Carlin did issued an official proclamation on September 20, 1842 offering a reward of \$200 for their capture. See: Sangamon Journal, 29 September 1842.

50. There would be other attempts to test the legality of the Governor's writs. In December 1842, Smith surrendered to the Circuit Court of the United States, upon Governor Ford's urging, to be tried before Judge Nathaniel Pope. After much evidence was presented proving that Smith had not been in Missouri at the time of the attempted assassination of Boggs, he was released on the grounds of insufficiency of the writ. Details of this trial were presented in the Sangamon Journal, 12 January 1843 and 19 January 1843. Smith would be arrested again, this time in Dixon, Illinois, in June of 1843. Once again, he managed to

be tried before the Municipal Court of Nauvoo and was freed on another writ of habeas corpus. This was the last time Missouri authorities would attempt to seek his arrest and extradition. By March of 1844, the Mormons apparently felt secure enough to repeal "their ordinance, the object of which was to prevent the arrest of Joseph Smith by the authorities of this State." See: Sangamon Journal, 14 March 1844. See also: George W. Gayler, "Attempts by the State of Missouri to Extradite Joseph Smith, 1841-1843," Missouri Historical Review 58 (1963): 21-36.

51. Winn, 214.

52. Sangamon Journal, 26 December 1844. There were two primary Mormon publications: The Times and Season, issued semi-monthly, 1839-46, founded by Ebenezer Robinson and D.D. Smith, the younger brother of Joseph Smith, and The Wasp, April 16, 1842-43, founded and edited by William Smith. This new publication, the Nauvoo Expositor, was founded by William and Wilson Law, Charles and Robert D. Foster, Francis M. and Chauncey L. Higbee and Charles Ivins. See: Alton Telegraph and Democratic Review, 18 June 1844.

53. Winn, 212.

54. Fundamental to an understanding of the tensions which developed between the Mormon community and the general public and which further influenced the decisions made by the Illinois legislature was the role of the press in creating Mormon hostility. Three newspapers in particular were instrumental in molding the public attitudes and sentiments against this sect. They were the Warsaw Signal, the most demonstrative in denunciations, followed by the Sangamon Journal, and the Alton Telegraph and Democratic Review. Other newspapers in the state often uncritically copied accounts from these publications. It would appear that much of what the public learned of Mormonism and Mormon activities was shaped directly by these presses. The exposes of Mormonism, written by the former Mormon leader John C. Bennett, and first printed in the Sangamon Journal and then published in book form under the title The History of the Saints, or, An Expose of Joe Smith and Mormonism, represented some of the strongest denunciations of this religious tradition and its leadership.

55. Sangamon Journal, 6 March 1845.

56. Ibid.

57. Ford, vol 2, 161-162. The Lee County Democrat, 13 June 1844, reported: "Public meetings were being held in the different counties of Illinois and that over four hundred

men are now under discipline in Carthage, and over one thousand men are now in readiness at Warsaw, Illinois, ready to aid the authorities in the discharge of their duty. We know not what will be the result of all this - at present things seem to wear a warlike appearance."

58. Sangamon Journal, 6 June 1844.

59. Ford, vol. 2, 73.

60. Sangamon Journal, 20 May 1842.

61. Ibid.

62. Ibid., 1 July 1842.

63. Ford, vol. 2, 265.

64. Ibid., 66-67.

65. Senate Journal 1842-43, 55-56. See also: Sangamon Journal, 15 December 1842. The preamble and resolution read: "Whereas the people of Illinois have become highly exasperated with the unusual and impolitic powers granted by the last Legislature in incorporating the city of Nauvoo, entitled an act to incorporate the City of Nauvoo, also an act entitled an act to incorporate the Nauvoo Agricultural and Manufacturing Association, in the county of Hancock, under and by virtue of which Mormons have openly set at defiance the laws of the State of Illinois, by refusing to surrender Joseph Smith, the Mormon prophet, upon the requisition of the Governor of the State, by arresting said Smith from the hands of the officers of the State authorized to take him by legal process, and discharging him by a pretended trial before the Municipal Court of the City of Nauvoo, authorized by the Charter of said city. And whereas said Smith has openly traduced and vilified both the Governor of Missouri and Ex-Governor Carlin of Illinois, for their efforts to arrest and bring him to trial, upon a charge of a heinous and aggravated nature, setting at defiance the authorities, and proclaiming through the Wasp and Times and Season, two Mormon newspapers printed in that city, that said Smith never should be given up, in obedience to the mandates of the law; and whereas such conduct is not only highly reprehensible, but a reproach upon the free institutions of the State. Resolved, That it is the duty of the Legislature of the State in obedience to the wish of the people to repeal both charters incorporating the City of Nauvoo, and the one incorporating the Nauvoo Agricultural and Manufacturing Association in the county of Hancock. Resolved, That the Committee on the Judiciary be instructed to report a bill as soon as practicable, repealing both the

above named Charters."

66. Sangamon Journal, 15 December 1842.

67. Ibid.

68. Illinois Laws, Fourteenth General Assembly, 1844-45, 187-188. Listed as "An Act to repeal the act entitled 'An act to incorporate the city of Nauvoo, approved December 16, 1840.'" The repeal bill became effective on January 19, 1845. Sangamon Journal, 26 December 1844. When the Senate vote on the bill to repeal the charter of the city of Nauvoo was taken on December 19, 1844, it passed 25 to 14. This was far from a unanimous decision. Nearly a third of the Senators were opposed to total repeal, either supporting the validity of the charter or advocating only amendments or modifications. House Journal, 1844, 103. Listed the vote as 24 to 14. On January 29, 1845, the bill to unconditionally repeal the Mormon charters became effective.

69. Ford, vol. 2, 279.

70. Sangamon Journal, 26 December 1844. Senator Ninian W. Edwards reminded those assembled during the repeal debate that "hasty legislation had characterized the whole business from the first to last . . . ."

71. Ibid., 10 June 1842. Reference to Whigs and Democrats charging each other with irresponsibility for the hasty passage of this legislation. Sangamon Journal, 3 June 1842. Representative Hicks confirmed the interest of the Democratic party in securing the Mormon vote. He said "he was opposed to all incorporations; that he had examined those granted the Mormons before they were passed, and expressed his determination to oppose them; but was persuaded by his [D]emocratic friends not to do so, who assured him that if they could get those bills passed, the Mormons would vote for them, and they would then carry the elections in the State."

72. Ibid., 19 January 1843.

73. Ibid.

74. Report to the General Assembly, December 2, 1844, vol. 1, 139.

75. Sangamon Journal, 20 February 1845, presenting the House minutes of 16 January 1845. On June 27, 1844, this newspaper commented that Joseph Smith had "construed the powers of the Nauvoo charter too liberally; he should have not destroyed the press, for the existence of a free press

is secured by the Constitution of the United States . . . which is paramount to the charter of Nauvoo."

76. Ibid., 6 November 1854. This newspaper commented that "Mormonism is theocracy, and involves not only a social gradation and iniquity, but an anti-republican alliance between church and state."

77. Ibid., 6 March 1845.

78. Ibid., 26 December 1844.

79. Ibid., 13 February 1845. Reference: House re-charting debates of bill to reincorporate the city of Nauvoo with amendments.

80. Ibid., 6 March 1845.

81. Ibid., 10 December 1843, and 17 April 1845.

82. Ibid., 10 December 1843.

83. Ibid., 11 January 1845.

84. Ibid., 2 October 1845. It was reported that a public meeting was held at Quincy "composed of the most respectable and influential citizens of Adams County" and which adopted a resolution declaring their conviction that "it was altogether impossible for the Mormons and the old citizens to live together in harmony and proposed that the Mormons should remove to some country, where their peculiar organization would not endanger the public peace. Such is the deep rooted hostility that exists between the two factions, that they never can become reconciled while they remain together, unless they become thoroughly amalgamated, and the peculiar institutions of the Mormons abandoned." John Mason Peck to Brayman, February 6, 1845, "American Baptist Great River Region Collection." Peck suggested that "the Legislature ought now to cut out a piece of [the] country from Hancock County and make a new county, call it 'Mormon,' and let them do their own county work by themselves."

85. George W. Gayler, "Governor Ford and the Death of Joseph and Hiram Smith," Journal of the Illinois State Historical Society 50 (1957): 391-411.

86. Ford, vol. 2, 42.

87. Illinois General Assembly Report, 1846-47, 3.

## CHAPTER VIII

### CONCLUSION

Church-state relationships in ante-bellum Illinois took place in part within the context of the values and traditions associated with the "classical republicanism" of the late eighteenth century Revolutionary era. Undoubtedly, this was not the only ideology or consideration which circulated within the consciousness of those legislators, churchmen and laity who sought to advance the interests of both religion and society. It does, however, help to explain the rationale or justifications for the various forms of support given by the legislature to the religious societies operating within the state. Although the meaning of the content of "classical republicanism" varied among its advocates, taking on increasing liberal dimensions in the pre-Civil War decades of the late 1840's and 1850's, in essence it involved two aspects: the protection of people from corruption in government and its corollary, the promotion of civic virtue.<sup>1</sup> This study attempts to demonstrate that it was in part within the context of this latter aspect, the improving of the morality of society, that the Illinois legislature sought to promote religion and religious societies within the state. The legislature,



acting under the republican premise that the paramount interest and support of government rested on the promotion of the intelligence and virtue of the people, sought to advance religion, as well as education, as a means of promoting morality and order among its citizens. These lawmakers, drawing on republican ideologies common to their age, by in large considered religion to be a complementary force in advancing the general welfare of society.

This legislative support of religion did not mean that the republican ideal of the separation of government from religion was rejected; on the contrary, the principle of the separation of church and state was upheld in Illinois in that no religious tradition was established in law, nor were any citizens compelled to financially support or attend a ministry not of their own choosing. What it meant was that the legislature sought to support all religions, in a kind of multi-establishment approach, or what might be described as an open playing field, with no one church having any special advantages over the rest. In actual fact, governmental supports generally worked more to the advantage of Protestant Christians as seen in the trusteeship provision of the incorporation statute for religious societies which favored congregational or lay governed churches as opposed to those controlled by clerical hierarchies, in the curriculum and staffing of the common schools which reflected Protestant values and orientations,

as well as in the drawing of student tuition rebates from the Common School Fund, and in the selection of legislative and institutional chaplains drawn primarily from Protestant institutions.<sup>2</sup>

In reference to the state constitutions which were adopted during this period, it was evident that the basic republican safeguards of religious liberty and freedom were upheld. Drawing on a previous pattern established by Congress and incorporated into the Northwest Ordinance of 1787, that government need not be wholly neutral in matters regarding religion, delegates in the Illinois Constitutional Conventions of 1818 and 1847-48 and members of the various General Assemblies adopted measures which revealed their interest in encouraging the religious life of the people, both in fostering public spirituality and in augmenting public morality and order. A "Bill of Rights" was included in the Constitutions of 1818 and 1848, which specifically acknowledged the protection of religious freedom, including the freedom of worship, the right of religious conscience, no preference to any one religion, and no religious test requirements for holding public office.<sup>3</sup> The Constitution of 1848 included, in addition, provisions acknowledging exemptions for conscientious objectors in peacetime and tax benefits for religious societies. And, representing a desire to establish linkages between church and state, a Preamble was also included in this constitution

acknowledging God's rule and providence over the state.<sup>4</sup>

Republican sentiments upholding religious liberty prevailed in the Constitutional Convention of 1818 in that the attempt failed to exclude clergymen from holding public office.<sup>5</sup> A small number of clergymen would continue to be elected as delegates to the various constitutional conventions as well as to the various General Assemblies held during this period. However, responding to growing criticism of religious influences in the common schools, the Convention of 1847-48 included a provision, previously enacted into law by the legislature in 1847, which prohibited clergymen from being appointed directors of common school districts.<sup>6</sup>

The most significant church-state issue which developed during the Constitution Convention of 1847-48 concerned the censoring of the Reverend Albert Hale and his removal as a legislative chaplain for remarks made from his pulpit in the Second Presbyterian Church of Springfield critical of the American involvement in the Mexican War. After considerable debate, the republican sentiment protecting the right of free speech prevailed among the delegates. A consensus was reached among them that to censor clergymen, regardless of the circumstances, was not within their prerogatives as a convention.<sup>7</sup>

In fostering religion within the state by providing various benefits to denominational groups, the General

Assembly was careful to distinguish between support of religion and sectarianism. Not wishing to promote sectarian influences within the state by increasing the political influence or public recognition of any denomination, the legislature initially refused to grant incorporation charters to religious societies or to their educational or benevolent institutions.<sup>8</sup> In this regard, the legislature was fearful that such incorporations represented a step toward the reenactment of lawful church establishments in that these societies might acquire extensive real estate holdings which could make them dominant religious powers in the state and that once incorporated the state would not have any control over these institutions.<sup>9</sup> Beginning in the early 1830's, the legislature became more agreeable to the granting of incorporation privileges to religious societies with the adoption of the lay trusteeship provision and with the establishing of land-holding limitations, initially set at five acres.<sup>10</sup> The legislature also became more disposed to granting charters to religious educational institutions with the inclusion of land-holding limitations, generally set at 640 acres, and with non-discriminatory clauses. The latter provision was designed to act as a safeguard to uphold the religious freedom of students, teachers, parents and guardians in these institutions. Denominational colleges seeking incorporation were required to adopt non-discriminatory policies, i.e., without any

religious requirements for admissions or staffing, and without any compulsory religious instruction or indoctrination of students. Some denominational college charters were further required to include the stipulations that theological professors and departments of theology were also to be excluded.<sup>11</sup> Apparently, the legislature had less objections to incorporating religious societies and their educational institutions when they were limited in land-holdings and prohibited from imposing their sectarian dogmas. In instituting the lay trusteeship provision, the legislature was acting in accordance with the predominant republican and Protestant sentiments of the period which called for the direct involvement of the people in governance. Initially, the Catholic community was divided on this lay trusteeship issue, the hierarchy expressing its concern with this form of "excess of American republicanism."<sup>12</sup>

Still discouraging governmental support of sectarian interests, the legislature, nevertheless, encouraged members of denominational groups to become involved in the common schools which were being developed within the state. Although these schools remained under state control, Protestant groups were able to exert their religious values and influence in the selection of teachers and in determining the content of the curriculum, which strongly emphasized Bible instruction. The legislature also

subsidized denominational schools serving as common schools in districts where public facilities had not yet been constructed.<sup>13</sup> In effect, by encouraging this Protestant influence, the state was in part underwriting a religious ideology.<sup>14</sup> Catholic, Anglo-Catholic and several conservative Protestant denominations resented the evangelical Protestant orientation of these schools and called on the government to end this favoritism and/or support their parochial schools from the Common School Fund.<sup>15</sup> In spite of these objections, the fact remains that Protestant religious societies cooperated with the state in broadening the educational opportunities available to children in Illinois and in promoting "Christian republicanism."<sup>16</sup>

The General Assembly, again acting on the republican premise that religion was beneficial to society in the fostering of morality and order, adopted specific measures which were designed to advance religion and religious societies within the state. These enactments included favorable incorporation privileges, tax exemptions, financial donations, grants of land and land leases, use of public buildings, and access to the Common School Fund through student tuition rebates.<sup>17</sup> These forms of direct aid were a manifestation of the republican belief that this was the best, or possibly, the only way to maintain public order and morality.

It is evident that most Illinois lawmakers, in attempting to promote public virtue and morality by supporting religious societies, saw little or no discrepancy between religious freedom and governmental aid to religion. Although some criticisms were raised by Catholics and conservative Protestant bodies over public funds to private and denominational institutions, generally the various forms of governmental subsidies were routinely approved. This pattern of direct support would not be significantly altered until the closing decades of this period as the legislature became more responsive to the charges of religious favoritism largely from non-Protestant groups and citizens. As noted, the legislature voted to exclude clergymen from the position of common school directors in 1847; however, they would not resolved to discontinue direct financial assistance to denominational schools from the Common School Fund until 1863.<sup>18</sup>

Evidence of nativism, especially anti-Catholic sentiments, was also involved in the dynamic of Illinois church-state relations. It constituted one element on which most Protestant groups could agree and on which they could join ranks. This xenophobia was revealed in the development of the common schools as Protestants attempted to use this system to promote their religious and moral ideologies in order to thwart Catholic influences over the children in the state.<sup>19</sup> Some Protestants charged that Catholicism

represented a major threat to the republican values and institutions of America and that the common schools must become the bulwark against this danger. The support for the lay trusteeship system was another example of a governmental policy which worked to the advantage of Protestant groups and generally to the disadvantage of Catholics. It was alleged that many of those who supported this provision for religious incorporation interpreted it, not only as a republican concept, but as an anti-authoritarian or "anti-Catholic" measure as well.<sup>20</sup> It was also charged that the agitation for the passage of an Illinois Maine Law was to a significant degree motivated by anti-foreign and anti-Catholic sentiments among Illinois' largely Protestant orientated citizenry.<sup>21</sup>

The general attitude of the various religious societies operative in Illinois toward the state was generally supportive. With the exception of the Mormons, who challenged the authority and traditions of the state, and possibly the Covenanters, Dunkers and Quakers, who largely complained that government was not religious enough, most denominational groups regarded the state government as legitimate and urged their memberships to support its resolves. Clearly, these societies benefitted from the support provided by governmental authorities. During the early decades of statehood, as Illinois developed from its frontier heritage, the governmental practices of grants and



leases of land and financial donations assisted some religious societies in the construction of meeting-houses and churches. Tax exemptions and other benefits helped denominational groups to get started and to survive. Clergymen also looked to the state and local governance bodies to enacted laws to enforce Sabbath observance, which mostly prohibited public intoxication and rowdiness, and to protect their religious gatherings. In addition to seeking and receiving various benefits from the legislature, denominational groups also sought accommodations from the state and local governments to support various reform causes. This interplay between government and religion was revealed in the attempts by religious societies to secure laws and ordinances to advance Sabbath observance, temperance-prohibition and anti-slavery reforms. Those denominations which placed a high value on individual salvation and the moral reform of society, namely, Methodists, Baptists, Presbyterians and Congregationalists, were especially active in these reform movements in Illinois and the nation and initially relied on the traditional religious methods of personal example and moral persuasion to accomplish reform. By the decades of the 1840's and 1850's, these groups changed their approach by increasingly advocating governmental intervention as necessary to eradicate Sabbath desecration, public drunkenness and slavery from the nation. These groups adopted various

political tactics to exert pressure on governmental bodies to enact reform measures. These strategies included holding public meetings, caucuses, conventions, distributing tracts, utilizing the press and pulpit, urging their co-religionists to vote for only those pledged to support reform measures, and adopting memorials in their official local and annual gatherings for the purpose of exerting pressure on the members of the legislature and other public governance bodies to enact legal remedies to advance reform causes.<sup>22</sup> In spite of this pressure, it is evident that Illinois denominational groups and churches were not very successful in their attempts to influence the legislature and various local governing bodies to advance reform. Not only is there little evidence to suggest that they were successful in achieving greater enforcement of the Sabbath laws, but they failed both in their attempts to secure a prohibitory Maine law for Illinois, and to pressure Congress to reverse its controversial policies of supporting slavery and its extension into the western territories. Nevertheless, these political activities indicate that these reformers were not committed to any doctrinaire belief in "laissez faire" policies. By the late 1840's and early 1850's, these mostly evangelical Protestants increasingly advocated governmental intervention as the mechanism through which societal reforms could be accomplished.<sup>23</sup>

The rhetoric utilized by these denominational bodies

in support of reform causes revealed that the ideology of republicanism by the 1850's had acquired liberal aspects. The former classical republican emphasis on public welfare was becoming enlarged to include the Lockean principles of natural rights and individual freedoms. This interplay between republicanism, liberalism and religion was revealed in the attempts by denominational groups and individuals to secure from the legislature laws to advance Sabbath observance, temperance-prohibition and anti-slavery reforms. Although religious groups were divided in regard to the utilizing of the state to resolve these moral problems, by the late 1840's and early 1850's the pietistic or more evangelical groups, namely, Methodists, Baptists, Presbyterians and Congregationalists, were actively calling on the legislature to enact legal remedies to advance these causes. Other groups, namely Catholics, Lutherans and Episcopalians, were generally opposed to legal remedies to accomplish these reforms and regarded such governmental intervention as attacks on individual rights. The contest in the early 1850's over the adoption of a Maine Law in Illinois illustrates this division between denominational groups and the dilemma of trying to impose restrictions which would benefit the greater society, but which conflicted with individual rights.<sup>24</sup> The classical republican concern in advancing the "public interest" was thus challenged by the liberal concerns for the protection

of "the rights of individuals" to pursue their own interests and welfare. It was within this context that the Sunday laws and prohibition restrictions were viewed by those espousing liberal values, largely, but not entirely the non-Protestant community, to be threats to their individual rights and obstacles to their pursuit of private interests.<sup>25</sup> The agitation over the Illinois Maine Law provides an example of an issue in which the interests of society and the individual came into direct conflict. The attempt by prohibition supporters to limit the availability of liquor for sale and to punish drunkenness was viewed by those espousing liberal values to be undemocratic, a form of tyranny and a violation of natural rights.<sup>26</sup> In short, these critics regarded state intervention or coercion as a menace to the republic.

In regard to the anti-slavery campaigns among the various church and benevolent societies, the ideological sentiments involving an ordered society, evangelical piety and individual liberty came together in a seemingly mutual effort. Evangelical Protestant denominational sources, in particular, evidenced strong republican, liberal and religious sentiments against the protection and expansion of slavery into the western territories. The references made in denominational remonstrances to the ideologies of the Declaration of Independence, with its appeal to the natural rights philosophy of "life, liberty and the pursuit of

happiness," and the right to challenge governmental abuses, supports this connection. In effect, these religious reformers were creating an ideological linkage between the seeming contradictory classical republican concern for the "public interest" and the "self-interest" focus of nineteenth century democratic liberalism.<sup>27</sup>

The involvement of clergymen and moral reformers in direct political activities to advance these reform causes indicates that by the closing decades of this ante-bellum period the religious bias against the political participation of clergymen in public issues was waning. By the early 1850's, there is evidence that some clergymen, largely evangelical Protestants, were becoming more active in the political process. The reform activities of these men which included the exerting of direct political pressure on elected officials through the ballot box and through the official resolutions enacted by their respective denominational bodies, illustrates this departure from the religious traditions of the past which had denounced political involvement in the furtherance of moral issues. One result of the contests surrounding these reform issues in the 1850's was the increased tendency of evangelical Protestant representatives, representing the larger religious groupings in the state, to rely on the "arm of the law" or governmental remedies to resolve the major social problems of the day.<sup>28</sup> The remonstrance of the twenty-five

clergymen of Chicago in 1854 against Steven Douglas' Kansas-Nebraska Bill is representative of the increasingly more public involvement of churchmen in the body politic of the state and nation.<sup>29</sup>

Some indication of the interplay between government and religion was also evident in the state utilization of legislative and institutional chaplains. Believing that a complimentary relationship existed between the interests of the state and that of religious societies in promoting the general welfare of society, the General Assembly, following the practice established by Congress and the new states, engaged clergymen to officiate in its chambers to solemnize its deliberations. This employment demonstrates a commitment to foster religion, in this case, governmental sponsored prayers. The involvement of clergy in this way not only provided an institutional means of supporting the popular belief in the need to seek the assistance of "Divine Providence" for all governmental activities, but also fostered the political advantage of utilizing, on occasion, their speaking effectiveness to uphold particular policies.<sup>30</sup> John Mason Peck's defense of the fugitive slave provision in the Compromise of 1850 in a public address before the Illinois House and which was publicized in the press at the request of members of the legislature, illustrates an occasion when legislators looked to a clergymen to assist them in developing popular support for a

particular policy. In this instance, Peck was called on to denounce the 'higher law' argument which was being advanced by anti-slavery advocates and to show that it had no application to this congressional legislation and that there was no conflict between the U. S. Constitution and the laws of the nation and one's religious obligations as revealed in the scriptures.<sup>31</sup> Apparently, it was a fairly common practice of the legislature to utilize clergymen as preachers and lecturers throughout this ante-bellum period.

The issue of compensation to legislative chaplains, raised several times in the legislature during this period, was decided in the affirmative. There was little to suggest in the available record of the House and Senate debates that the majority of legislators regarded such compensation as a violation of the republican principle of the separation of church and state.<sup>32</sup>

The utilization of institutional chaplains in prisons and hospitals represented another method whereby the state sought to promote public morality as well as religion. In the penitentiaries, chaplains would be utilized to assist in the rehabilitation of convicts, which emphasized character transformation, through religious services and moral, religious and educational instructions. The rules and regulations adopted by the legislature for prison operations were also designed, in part, to promote the republican tenets of self-discipline and moral virtue for the

betterment of the general society. The interest of the state in promoting religion was in addition revealed in that on occasion Bibles and other forms of religious literature were supplied to the inmates of these prisons at governmental expense.<sup>33</sup> Again, there was nothing to suggest in the legislative record that such supports constituted an infringement of the principles of the separation of church and state.

Perhaps, the best example of the Illinois legislature employing the concept of republicanism as a corpus of ideas on which to base its actions, thereby linking political beliefs and behavior, was in regard to its relationship with the Mormon sect. Contemporaries, such as Governors Duncan and Ford, alleged that it was precisely the concern for maintaining and protecting republican principles in governance that brought the legislature in the early 1840's into conflict with the Mormons in the state.<sup>34</sup> In point of fact, the Mormons did challenge the political and social institutions of the state, particularly in their use of bloc-voting techniques and in reinterpreting their charter provisions beyond what the legislature originally intended or foresaw. A series of actions by Mormon authorities during the years 1840-1844, combined with their church polity and beliefs, revealed to Illinois lawmakers that their actions were threatening to republican values and traditions.<sup>35</sup> In particular, the legislature interpreted



their assumption of powers not specifically granted in the provisions of the Nauvoo City Charter, specifically the issuing of writs of habeas corpus to cover any circumstance, and their destruction of the Nauvoo Expositor newspaper as attempts to subvert the authority, laws and republican traditions of the state. Furthermore, the Mormon refusal to adhere to the separation of powers principle in office-holding, in creating a theocracy rather than a government based on the consent of the people, in deemphasizing or denying freedom of individual choice in voting, and in the suppression of the freedoms of the press, speech and religious dissent were regarded by the legislature, with few exceptions, to be violations of republican traditions. Although denying that religious intolerance or prejudice entered into their decision to revoke all the charters granted to the Mormons, State officials did affirm that such factors were involved in the actions of the so-called "neighbors" of the Mormons in the counties of Hancock and Adams to forcibly remove them from the state.<sup>36</sup>

Based on the actions of the Illinois legislature during this ante-bellum period, it would appear that the admonition included in the Northwest Ordinance of 1787 that governments should support religion, as well as education, as beneficial to the state was consistently followed.<sup>37</sup> There was little to suggest that the modern conception of interpreting Thomas Jefferson's "Wall of Freedom," as

calling for the complete separation of government and religion, was adopted. Religion and government were viewed to be complementary in that they shared common concerns for the moral and educational developments of the people. Under this configuration, all religions, as they contributed to this task would be nurtured by a variety of governmental supports and subsidies. Clearly, the meaning of "disestablishment" during this ante-bellum period in Illinois included two conceptions: state authorities were not to legally underwrite any one religious traditions, but they were to encouraged the activities of all religions which contributed to the general public welfare. Thus, it was within this republican environment that religion helped to contribute to the shaping of the political culture of the prairie State.

Several important limitations of this study need to be acknowledged. Due to the fact that the General Assembly did not keep an official record of its debates during these ante-bellum years, this research had to rely on what was available in the House and Senate journals and reports and what appeared on occasion in press accounts, or personal memoirs and reflections. This evaluation, therefore, has been based primarily on legislative actions, without the benefit of a comprehensive examination of the questions and issues actually raised in House and Senate floor debates. Although these sources are adequate to document that

definite supports were provided by the legislature to religious societies during these years, a comprehensive account of the extent of this support, for example, in terms of the quantity of land donated or leased or funds allocated, cannot be determined.

Some important questions also remain unanswered. No explanation was given in the sources utilized to indicate the reasons for the very significant action of the legislature in 1845, of radically changing the incorporation provisions for religious societies by allowing the Roman Catholic Bishop of Chicago to become a corporation sole.<sup>38</sup> The significant growth in the Catholic community in the city of Chicago and the state during the latter decades of this period offers some explanation in that their leadership, able to exercise greater control over their congregations by this time, were becoming a more significant political force in the state and legislators were perhaps more willing to court favor with them by granting other types of religious incorporations. It was also not explained why the College of St. Mary of the Lake of Chicago received a charter in 1844 providing a land-holding limitation of 1,000 acres when the general pattern of the legislature was to grant only 640 acres.<sup>39</sup>

Had the prayers offered by legislative chaplains been included into the permanent record, the extent to which these clergymen drew on republican sentiments in their

petitions for divine guidance and approval for the members of the state government might have been revealed. The prayers available in the record of the Constitutional Convention of 1869, one of the few times in which prayers were included into the permanent record, suggests this connection.

## NOTES

1. Chapter I, note #3, 12.
2. Chapter IV, for discussion of incorporation privileges, 89-103; Chapter III, for discussion of the common school fund, 114-121; and Chapter VI, on legislative and institutional chaplains, 214-215.
3. Chapter II, 21-22, 26-29.
4. Ibid., 26-27.
5. Ibid., 22-23.
6. Ibid., 29.
7. Ibid., 29-35.
8. Chapter III, 53-55.
9. Ibid., 53-54.
10. Chapter IV., 102-103.
11. Chapter III, 56.
12. Chapter IV, 91-93.
13. Ibid., 66.
14. Ibid., 78-79.
15. Ibid., 67-68.
16. Ibid., 59-60.
17. Chapter IV., 89-125.
18. Chapter II, 29; Chapter IV, 116.
19. Chapter III, 70-75.
20. Chapter IV., 91-94.
21. Chapter V, 158-160.
22. Chapter V.

23. Ibid., 149-150.
24. Ibid., 152-170.
25. Ibid., 158-160.
26. Ibid., 157-159.
27. Ibid., 186-190.
28. Ibid., 170-172.
29. Ibid., 179-183.
30. Chapter VI, 218-222.
31. Ibid., 220-221.
32. Ibid., 216-218.
33. Ibid., 226-228.
34. Chapter VII, 258-260.
35. Ibid., 253-258.
36. Ibid., 269.
37. Chapter II, 17-19.
38. Chapter IV, 97.
39. Chapter III, 57-58.

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The dissertation is therefore accepted in partial fulfillment of the requirements for the degree of Doctor of Philosophy.

October 17, 1991  
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