THE BISHOPS VERSUS VANDERBILT UNIVERSITY*  

By John O. Gross #  

WHILE the South still lay prostrate under the economic deprivation caused by the Civil War, leaders of the Methodist Episcopal Church, South, recognized the need for a university which would offer literary, scientific, and professional studies. At the first General Conference after the war (1866), the College of Bishops of this communion recommended that a central institution be established for the whole church. Since the General Conference was made up of representatives from conferences that were operating several schools already, the delegates were hesitant about the proposed undertaking. They voted to postpone action indefinitely. Led by such progressive leaders as Judge E. H. East, the Rev. D. C. Kelley, the Rev. R. A. Young and the Rev. A. L. P. Green, the Tennessee Conference assumed responsibility for founding a university, and then appealed to the ten Methodist conferences in the mid-South to join with it in the undertaking.

On January 24, 1872, twenty-six representatives from the seven annual conferences which responded met at Memphis and made plans for an institution to be called Central University of the Methodist Episcopal Church, South. Present at this historic gathering—which came to be known as the Memphis Convention—were Bishops Holland N. McTyeire and Robert Paine. Without question, Bishop McTyeire took the lead in formulating the plans for the university. The convention fixed one million dollars as the minimum amount needed to finance the enterprise, but it agreed to open the university when $500,000 was obtained.

In 1872, the State of Tennessee granted a charter to Central University of the Methodist Episcopal Church, South. This charter provided for a self-perpetuating board of trust to be made up of four members from each of the seven participating annual conferences.

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* The exact title of the case is “State, ex rel. College of Bishops of M. E. Church, South, et al. v. Board of Trust of Vanderbilt University, et al.” The case is reported in Tennessee Supreme Court, Reports, 129 (1913-14), Vol. 2, 279 ff.
In January, 1873, when the board of trust met at Brownsville, Tennessee, its financial agents reported that they had not raised enough to pay expenses, much less the $500,000 goal set by the Memphis Convention. Opposition to theological education, the loss by fire of The Publishing House, the jealousy of the conference colleges, the economic strains and hardships of the defeated South—these factors made the raising of such an amount hopeless.

Bishop McTyeire believed the money could be obtained. This may have accounted for his aggressive leadership in a cause that had, as far as the South was concerned, little chance to succeed from the outset. Doubtless, the bishop had some good reasons for his persistence. Less than two months after the Memphis Convention, he received a promise from Commodore Cornelius Vanderbilt of New York for the $500,000 needed to start the university. Apparently Mr. Vanderbilt's magnificent gift was prompted by the confidence he had in Bishop McTyeire and by his personal desire to do something significant for education in the South.

In his biography of McTyeire, John J. Tigert, IV, mentions negotiations which were in progress “during those weeks in February and March of 1873, when [the bishop] was working out the plans for the university with the Commodore.” In recalling these first efforts, it is well to keep in mind that Mrs. Vanderbilt and Mrs. McTyeire were first cousins. Because of this relationship, the Commodore's wife had a personal knowledge of and interest in the bishop's hope for the establishment of a university in the heart of the South. Some believe she was the one who implanted in her husband's mind the idea that a contribution toward the ongoing of Central University would carry out his desire to leave some memorial before he died. Tigert summarizes this view by saying: “Her task was somehow to help the Commodore, who loved her dearly, to decide that the Bishop's university was the enterprise he would like to endow.” 1 Significantly, Mr. Vanderbilt's gift coincided with the resolution adopted by the Memphis Convention which set $500,000 as the minimum needed to open the university and a total of one million dollars as essential to realize fully the object desired.

Mr. Vanderbilt's proposal contained these stipulations: McTyeire was to be president of the board of trust and as such was to be given broad powers to carry out plans for the university: the purchase of grounds, erection of buildings, and selection of a faculty. McTyeire was to have the right to veto any “injudicious appropriations or measures,” and his decisions were to be final unless re-

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versed by three-fourths vote of the board of trust. After accepting
the gift, the board of trust voted to change the name of the institu-
tion from Central University to Vanderbilt University. No other
change was made in the charter.

Later when the decision regarding the university was rendered
by the Tennessee Supreme Court, Vanderbilt was declared to be
the founder of the institution. In his account of the founding of the
university, McTyeire says that it “owes its foundation to the mu-
nificence of Mr. Cornelius Vanderbilt . . . who, on the 27th of March,
1873, made a donation of Five Hundred Thousand Dollars for this
purpose, to which he afterward added more.” 2 This decision may
have been given, as we shall see, to invalidate the visitatorial rights
claimed by the bishops. However, Commodore Vanderbilt did not
originate the plan for the university. This idea had existed in
corporate form for a year before the gift was made. His money
made possible the carrying out of plans that had been blocked
because of the lack of financial support. This is the interpretation
given by Professor Edwin Mims in his history of Vanderbilt Univer-
sity. In it he says that Vanderbilt’s “money was not given to establish
'a university' but to make real the dream of Central University.” 3
Mr. Vanderbilt at the outset made no objection to the university’s
being associated with Methodism.

The principal issue in the controversy centered about the question
of a self-perpetuating board, and its right to elect its own members.
The charter leaves no doubt about the board’s being made self-
perpetuating. From the beginning Bishop McTyeire had insisted
that the board should elect its own members. This right, he said,
was necessary in order to prevent hasty or perhaps ill-considered
choices. The board, he added, knew the persons best qualified to
serve, therefore, could be depended upon to choose the individuals
most competent to foster the welfare of the university. 4

Evidently McTyeire did not see in a self-perpetuating board any
obstacles to sound relationships with the church. Chancellor Landon
C. Garland, who offered the resolution vesting the nomination of
members of the board of trust with the board, believed the board
should have the exclusive right and power to fill vacancies. He
noted, however, that nominations for membership, while originating
with the board, were to be final only when confirmed by the annual
conferences in which vacancies occurred. This provision was made,
he said, to assure a close tie between the university and the support-
ing conferences. After the university was made an institution of
the whole church by the General Conference of 1898, the right of

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2 Ibid., 174.
4 Tennessee Supreme Court, Reports, 129 (1913-14), Vol. 2, 310 ff.
confirmation was transferred from the co-operating conferences to the General Conference. It designated the Board of Education as the agency to confirm the nominations from the board of trust.5

The ninth resolution adopted at the Memphis Convention requested the bishops of the Methodist Episcopal Church, South, "to act as a board of supervision of the university, or any of its departments, and jointly with the board of trust to select officers and professors, and prescribe the course of study and the plan of government." This provision incorporated in the charter was to become the central issue between the university board and the bishops of the Methodist Episcopal Church, South.

Bishop McTyeire died in 1889. During his lifetime he symbolized both the church and the university. Almost alone, against indifference if not opposition in the church, he firmly established the university. After the Memphis Convention the bishops, in line with the action there, were requested to become a board of supervisors. They discussed the matter, but a motion made to accept this responsibility did not prevail. Their action, we may infer, indicated that they could not assume any official relationship to the university that would discriminate between it and other established educational institutions of the church. However, they did reassert their approval of the 1870 General Conference's attitude "in reference to biblical chairs in connection with our existing colleges as the best available means for training young preachers." 6

It should be remembered that the General Conferences of 1866 and 1870 had refused to endorse a plan for a central university. Some saw in the Memphis Convention an effort to circumvent the General Conference's refusal to establish a university and a way to open a professional theological school. Bishop George F. Pierce led the opposition. He claimed that the Memphis Convention was self-called—without power, original or delegated. Furthermore, he held that education weakened the ministry. "Give me the evangelist and revivalist rather than the erudite brother who goes into the pulpit to interpret modern science instead of preaching repentance and faith, or going so deep into geology as to show that Adam was not the first man and the Deluge was a little local affair." Concerning formal theological education, he said that in his opinion "every dollar invested in a theological school will be a damage to Methodism. Had I a million I would not give one dime for such an object." 7

The "inaction" of the bishops on the request of the Memphis

5 Ivan Lee Holt, Eugene Russell Hendrix, Servant of the Kingdom (Nashville, 1950), 102.
6 Tennessee Supreme Court, Reports, 129 (1913-14), Vol. 2, 295 ff.
7 Mims, Vanderbilt, 28.
Convention left the full responsibility for the interest of the church in the university with Bishop McTyeire. Throughout the rest of his life, he was in full command of the university. He emerged also as the "master mind, the progressive leader, and the far-visioned statesman" of the church. Bishop John M. Moore calls him the greatest bishop ever produced by the Methodist Episcopal Church, South. During his life, Bishop McTyeire's influence on the church was dominant. All the bishops elected in 1882 and 1886, if not actually picked by him, were "of his mind."

Landon C. Garland, who had served as the first chancellor of the university, retired in 1893. James H. Kirkland was elected chancellor. Kirkland was thirty-three years old when he was elected. He was a layman and an educator. While he was unquestionably devoted to his church, Kirkland's chief interest centered in education. After he took office, relations between the university and some of the bishops began to be strained. Their views on educational administration differed from those held by Kirkland. In addition, Kirkland had serious disagreements with them on other matters.

The first move to clarify the relationship of the bishops to the university came as an amendment to the bylaws following Dr. Kirkland's election as chancellor. This amendment made all the bishops ex officio members of the board of trust. This bylaw was a radical change. Yet if silence means anything, it was accepted as satisfactory. Bishop Elijah E. Hoss's biographer says, "that such a matter should have been passed without arousing instant opposition in the board, especially of the bishops who were present, in full proof of their good faith, which was so complete as to obscure, for the time being, their understanding of the significance of this action."

Later the board of trust repealed this bylaw for ex officio membership of the bishops, and enacted another making only the five senior bishops members. Conference members of the board of trust were at first reduced from four to two, and finally to one from each supporting conference.

In 1896 the board of trust requested the supporting annual conferences to transfer their interests in the university to the General Conference, thus carrying out the founders' original intent of making the institution responsible to the whole church. The General Conference of 1898 acted favorably and voted to receive the university from the annual conferences which had started it. With this change, membership on the board of trust was no longer limited to annual conferences. Members could be elected from the church-at-
large on nomination by the board. The General Conference designated the General Board of Education as its agent to approve nominations for the board of trust. As may be noticed in the lawsuit, some persons assumed that this new relationship would permit election to the board of trust by the General Conference without concurrence of the board of trust. The charter, however, was not changed to give the General Conference this power.

After his election, Chancellor Kirkland became the South's foremost exponent of honest academic work in southern colleges. He was one of the founders of the Southern Association of Colleges and Secondary Schools, an organization which, as the accrediting agency for the South, determined the status of southern colleges in the nation's educational system. This crusade for quality and honesty in higher education was not conducive to winning the friendship of some small unaccredited colleges. A Baptist minister who opposed the power of the Southern Association called him an aristocratic dictator "who carries a grouch against denominational colleges."\(^{10}\) The chancellor's image as created in some sections of the church and the South was that of an arrogant, cold intellectual.

In 1904 the board of trust postponed Kirkland's recommendation of two non-Methodists to the faculty. A resolution offered by Bishop Warren A. Candler said Kirkland's appointments of non-Methodists tended to alienate the university from the church and the church from the university.

The chancellor resented this curtailment of his authority. In an ultimatum given to the board, he stated that if he could not nominate all persons for the several faculties of the university, he would resign. This bold act made Kirkland's opponents spread the charge that his goal was to free the university from church control. With Bishop McTyeire gone and the university's leadership in the hands of an educator, the feeling grew that the church's interests were not given the same concern as the university's. As one observer said, the trend of the university was toward becoming less Methodistic. This view was held by two influential bishops, Warren A. Chandler and Elijah Embree Hoss.\(^{11}\)

Lack of a clear-cut statement in the charter on the relationship of the university to the church opened the way for the ten-year controversy. While Bishop McTyeire lived, the charter provisions made little difference to either the church or the university. The charter as he left it made possible co-operation between the university and the church, but it vested control with the board of trust, a self-perpetuating body. Some think that Bishop McTyeire had

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\(^{10}\) Dr. John L. White, quoted in Edwin Mims, *Chancellor Kirkland of Vanderbilt* (Nashville, 1940), 135.

\(^{11}\) Mims, *Kirkland*, 162.
planned to include in the charter a clause that would relate the university and church in perpetuity.

Bishop Eugene R. Hendrix, chairman of the board of trust, in representing the liberal churchmen who were supporting Kirkland, contended that Kirkland's opponents lacked understanding of the true nature of a university. Here is a summary of his views: "A church college and a great university are two very different things. We can establish a church college largely within ourselves. But where are we to get men for a Christian university? . . . When you come to choose men here, there is something more to be taken into account than their loyalty to Methodist policy. More important than that is their loyalty to Christ." 12

The biographer of Bishop Hoss, Dr. I. P. Martin, identifies the origin of the Vanderbilt dispute with Chancellor Kirkland's recommendation to repeal the bylaw making bishops ex officio members of the board of trust and to substitute another one that limited episcopal membership to the five senior bishops. 13 Here Bishop Hoss assumed the leadership to hold the university in line with what he said were the wishes of Bishop McTyeire. However, some of those bishops, including Bishop Hendrix, did not agree with Bishop Hoss's interpretation of Bishop McTyeire's views.

Obviously the church-university relationships needed clarification. In order to answer the many questions raised about them, the General Conference of 1906 appointed a commission "to inquire into and determine the present relationship of Vanderbilt University to the Methodist Episcopal Church, South." The findings of this commission were to become operative when its report was presented to the bishops.

The commission, made up of five lawyers, decided that the board of trust was not a self-perpetuating body and that the General Conference could fill vacancies on the board; that the seven annual conferences mentioned in the original charter founded the university, not Mr. Vanderbilt; and that the bishops, by virtue of the ninth resolution of the Memphis Convention, possessed visitatorial powers. Visitatorial powers were interpreted to mean that the founder of a charity could take it over if it was not being administered in harmony with the giver's intention. The commission declared that a violation by the board of trust of the acts of the Memphis Convention would return the university to the direct control of the General Conference.

The university's board of trust voted to cordially receive the report of the commission, and issued a statement acknowledging "the ownership of the church in the university." The board, how-

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12 Ibid., page 165.
13 Martin, Hoss, 282.
ever, did not consider itself bound by the report. It held that the charter made the board supreme.

This position, however, was not satisfactory to the commission. Nothing short of a clear-cut acknowledgement on the part of the board of trust that they accepted the total report and would agree to administer the university in line with its provisions would satisfy the commission.

At the 1910 session of the General Conference in Asheville, North Carolina, the commission requested, with the concurrence of the General Conference, that the board of trust meet there and formally accept and approve the report. The chairman, Bishop Hendrix, refused to call the meeting. He held that the previous action of the board of trust meant that it had accepted in principle the commission's report. Furthermore, he said a meeting held outside Tennessee, the state in which the university is incorporated, would not be legal. The commission's report was adopted by the General Conference. Since it declared that the General Conference had the right to choose the board of trust, it elected three persons to the board. This last action opened the way to test the commission's conclusions in the courts. The General Conference directed the bishops to "take whatever steps they may deem necessary to safeguard the claims of the church."

The Vanderbilt board contended that the General Conference acted unlawfully and it refused to recognize the three trustees who had been elected. This refusal made it necessary for the bishops, in light of their mandate from the General Conference, to file a suit in the civil courts against the board of trust. Bishop Hendrix refused to have anything to do with the lawsuit and resigned as a trustee of the university. Along with some other bishops, his sympathies remained with the university.

In February, 1913, the Chancery Court of Tennessee decided in favor of the bishops, declaring that the General Conference did possess the right to elect members of the university's board of trust; that the bishops did have general visitorial power over the corporation as given by the Memphis resolutions. The university's board dissented and appealed the case to the Tennessee Supreme Court.

While the appeal to the higher court was still pending, Andrew Carnegie offered $1,000,000 to Vanderbilt for a medical department, provided the university could prove that it was not under denominational control. The bishops promptly vetoed the action of the board of trust in accepting the gift. They held that its acceptance of the gift would "be a breach of our trust and dishonoring to our church." Furthermore, the bishops opposed Carnegie's request to delegate control of the medical school to an agency other
than the board of trust. This they said, would be inconsistent with sound university administration.

The rejection of this significant gift, in light of the failure of the church to give the university financial support, irked the chancellor. It should be noted that in the beginning, the church had not raised sufficient money to start the university. Later when the Twentieth Century Fund was launched, a goal of $300,000 was set by the church for the theological department. Less than $30,000 was raised. Most of it came, it was said, from Nashville and the Vanderbilt faculty.

The Tennessee Supreme Court overruled the Chancery Court, thus denying the two main contentions of the church. It held the board of trust to be self-perpetuating and vested control of the university with it. Cornelius Vanderbilt was recognized as the founder. The bishops were denied visitorial powers. The charter, the court said, formed the contract between the church and the university. The court did rule that membership on the board of trust was contingent upon confirmation by the General Conference or its agent, the General Board of Education. Apparently, this was the only direct link with the university that the charter gave to the church. Bishop John M. Moore summarized the decision by saying to both the church and the university: “with a twenty-five-year-old charter of the university in your hands and the civil law before you, in 1898 you made a contract with each other and it is binding on you both now.”

The court’s decision pleased neither side. Bishop Hoss, leader of the opposition, declared, “We have lost everything. We did not get the shadow of a shade.” Kirkland is reported as saying to the university’s attorneys: “Well, gentlemen; you lost your case. We got no relief. The cudgel of the General Conference is still there in its right to confirm or reject any trustee-elect.”

At the General Conference of 1914, the Vanderbilt case was the most important item on the agenda. The whole church had been stirred by the controversy. Feelings ran deep. Many delegates came to the conference ready to break all ties with the university. Another sizable group wanted to seek an amicable solution.

The majority report of the committee which had been appointed to consider the Vanderbilt matter bowed to the court’s decision and recommended to the General Conference that it give up all its rights in the university and return the school to the conferences which had started it. This same committee also called for the appointment of a commission of sixteen members to make plans for two new

14 Moore, Life and I, 124.
15 Ibid.
16 Ibid.
universities—one east of the Mississippi and one west of it. The minority report presented to the same 1914 General Conference declared that the court’s decision was an unjust one and did not represent the real equities in the case. However, this committee recommended the church hold on to the university. It contended that the church’s power to confirm members enabled it to determine the personnel of the board. It pointed out that vacancies and expirations—anticipated during the next four years—would assure the election of a board that would recognize the church’s rights in the university.

When final action came after several days of heated discussion, 151 members voted to sever all relations with the university, and 140 voted to keep it. In his History of Methodism, Horace M. Du Bose mentions neither the close vote nor the minority report rejecting the court’s opinion.

The decision of the Supreme Court contained these words: “If the General Conference should voluntarily surrender, or renounce, this relation, or contumaciously refuse to confirm members elected and cease to cooperate with the University its rights to representation in its Boards of Trustees and in its management would as a consequence close, and in that event the Board of Trust could proceed independently of the General Conference to the election of members to fill vacancies in its own body.” Church leadership resented the implication of being contumacious as a “heedless and gratuitous reflection.” But in the end, contumacy moved from being a possibility to a reality. By a majority of eleven votes, President Henry Nelson Snyder said, “Methodism tossed away in a fever of blinding emotionalism the richest opportunity for educational service ever given to an ecclesiastical body in the South.”

In view of the fact that six votes would have changed the General Conference’s decision, the late Dr. J. L. Cuninngim held that the controversy should not be construed as a struggle between the church and Vanderbilt. He called it a struggle between two factions representing different points of view on university administration and church control.

Now since the “personalities and passions of those trying days have gone into the past,” many church leaders believe that the break could have been averted. The church was placed in a position where it was destined to be hurt regardless of which side won. In the end, Methodism lost Vanderbilt. If the dual form of control that Bishop Hoss and his supporters demanded for Vanderbilt had prevailed, however, the church’s future in university education would have been seriously limited, if not destroyed.

17 Henry Nelson Snyder, An Educational Odyssey (Nashville, 1947), 193.
18 Ibid., 194 ff.
At the time the transfer of the institution was made to the General Conference by the organizing conferences, the charter should have been rewritten or amended to eliminate the ambiguities about church relationship and the responsibilities of the bishops. In its decision the Supreme Court upheld the one unquestioned link recognized by both the church and the university, namely, the church’s power of control through its right to confirm members of the board. This was part of the agreement accepted and confirmed by both the General Conference and the university in 1898.

In the following brief paragraph, the Commission of Sixteen authorized by the General Conference to make plans for two new universities brought to an end the Vanderbilt chapter in the Methodist Episcopal Church, South. “It is the sense of the Commission that it is impossible to transfer any rights, titles, authority over, interest or control in Vanderbilt to the patronizing Conferences; . . . that it was best to put an end to all further controversy of every character pertaining to Vanderbilt University; but the Commission desires to voice a protest against the manipulations by which Vanderbilt has been lost to the church; that the Commission feels that the adoption of this resolution forever puts an end to its connection with the Vanderbilt controversy.”

Chancellor Kirkland told the university’s attorneys that the case had been decided in favor of the bishops. A lawyer who represented the university advised him to remain quiet and issue no statement. He predicted that the church would not accept what the court had given it. The General Conference action fulfilled that prediction. By refusing to accept the only relationship that it had ever possessed, namely, the right to determine membership on the board of trust, the church permitted the university to pass into the hands of a private corporation.

The question of the university’s affiliation with the church was not the one the court was asked to decide. The question was, “What are the legal rights of the church?” This was where a wide difference of opinion had developed. The commission of five lawyers appointed by the General Conference, as previously noted, held out for a form of control that the court decided was not inherent in the charter. Chancellor Kirkland affirmed before the court that he had never denied the university’s Methodist allegiance nor its Methodist history. He told the court: “That never have I, as a trustee, been brought face to face with any situation in the administration of its affairs that I have not tried to administer to that University in a way that would protect the interest of the Church and safeguard its rights, and that I have never been guilty of any breach of trust

10 Alfred M. Pierce, Giant Against the Sky (Nashville, 1948), 132.
in relation to the Church. That I have put my hands to the wheel there and have been the instrument, partly at any rate, of raising nearly a million dollars for its coffers, and more than that, I have put my life in it for twenty years, and if any man has done more in that time for it than I, I do not know who he is. And I am not here to admit for one moment that in a single act I have been untrue to the Methodist church or its interest, or have in any way tried to deprive it of a single right.”

In establishing the university, Bishop McTyeire’s concern was to associate it with the living memories and established traditions of Methodist education and religion. He put into the foundation of the engineering hall a stone from Cokesbury College in Maryland, the first American institution of collegiate grade founded by Methodists in the United States; one from Randolph-Macon, the first Methodist college in the South; one from Bethel Academy, the first Methodist school founded west of the Alleghenies, and one from LaGrange College in Alabama, the first college founded in the region Vanderbilt was founded to serve.

In conclusion we might recall that until the Commission of Sixteen closed the chapter on Vanderbilt University the institution was unmistakably and unabashedly Methodist. A shrine on the campus marks the last resting place of Bishop William McKendree who along with Bishop Asbury laid the foundations for Methodism in the Ohio Valley; and of Joshua Soule, a bishop of the Methodist Episcopal Church, who on his own initiative joined with the Methodist Episcopal Church, South, to become its outstanding leader until his death in 1867. In this same plot are the graves of Bishop and Mrs. McTyeire. The shrine epitomizes both the founders of Methodism and the founders of Vanderbilt University.

Without question, between 1872 and 1914 Vanderbilt University was the most potent influence in the educational awakening of the Methodist Episcopal Church, South. For forty years its theological school furnished just about all the professionally trained ministers of the church. It also supplied the mission fields served by the church with their foremost leaders. All other colleges of the church were enriched by teachers educated at Vanderbilt. The founding of Vanderbilt demonstrated that a church’s educational program is incomplete without an influential university. This principle led to the establishment of Emory University and Southern Methodist University.

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