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## Rationalism and Religious Liberty in Virginia, 1770-1805.

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RATIONALISM AND RELIGIOUS LIBERTY  
IN VIRGINIA

1770 - 1805

by

Helen Catherine Graham

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SUBMITTED IN PARTIAL FULFILLMENT  
OF THE REQUIREMENTS  
OF  
COLLEGE OF WILLIAM AND MARY  
for the degree  
MASTER OF ARTS

1931

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# RATIONALISM AND RELIGIOUS LIBERTY IN VIRGINIA

1770 - 1805

## Introduction

In the year 1607 there came to the present state of Virginia a band of Englishmen who, leaving England for no political reasons other than to increase the power and prestige of their mother country, or religious reason unless it be to Christianize the savages in the new land, brought with them the principles and practices of the homeland. These ideas, as the colony increased in numbers, became more firmly established.

One of the fundamental institutions which existed in Virginia from the time of the very first settlement, was the Anglican church. By 1618 this church had become regularly established according to the instructions in that year to Sir George Yeardley from the London Company. From time to time thereafter various laws were enacted in regard to Sabbath observance and church attendance and punishments were meted out accordingly. Likewise laws were passed concerning the ministers, the government of the organization, church property, etc. The very salaries of the ministers were fixed by law. Uniformity in religion and in religious observance was especially stressed.

This colony in Virginia, so far away and yet so closely connected with the mother country in thought and interest, was, on account of its close contact, directly affected by the political changes which took place there. The church in the colony, closely allied as it was with the state, was consequently in its turn also affected by these changes.

During the Puritan Period in England the destinies of the church in Virginia were left with the people; but with the Restoration came reaction. The Assembly of 1661 passed stringent laws regulating the church and put the control of church affairs into the hands of the vestries which were made irresponsible, that is, they were not made subject to any higher authority. Thus the character of the church remained until the Revolution in 1775. The ministers became increasingly more independent until they were able to defy the government in the famous case, the "Parson's Cause", which greatly increased that spirit of dissent which finally effected the downfall of the Establishment.

The people of Virginia had always been an independent people chafing under any restraint. There were three factors which very largely contributed to this spirit of independence: First, Rural life. The population of the state was widely scattered upon various plantations each of which within itself formed a separate community. There were no large towns accompanied by the necessary massing together of interests. This vastness of country also tended to decrease interest in religion and consequently affected its growth.

Second, The character of the suffrage. To a Virginian



it was a right and not a privilege to vote. Although during a later period in the history of the colony many citizens were deprived of that right, the spirit still remained. As early as the year 1619 Virginia had a representative assembly, due in very great part to the efforts of Sir Edwin Sandys, one of the leading members of the London Company, who, according to Captain John Bargrave, stated that "His purpose was to erect a free popular state in Virginia in which the inhabitants should have no government put upon them but by their own consent."<sup>1</sup>

The royal governors repeatedly complained of the conflict with their councils and assemblies.

Third, Negro slavery. In Virginia, where slavery existed, even the poorest citizen, because he was a white man and an Englishman, was as worthy of his rights and privileges as the wealthiest planter. Society was not founded upon the class system to the extent that it was in other states, although we do later find classes developing. Such a life of independence developed not only a political revolution but a revolution of every sort, and especially a revolution in religious thought. The latter was not apart from but was an essential part of the whole great revolutionary movement.

#### I. 1770 - 1777.

##### The Struggle for Religious Freedom and Disestablishment.

From England there had come to America in the early eighteenth century what was known as the "new light" movement in religion, so-called because those converted under the movement felt that a new force or light entered the life from the time of con-

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1. Brown-English Politics in Early Virginia History, page 47.

version. By 1770 this new movement had gotten a foothold in Virginia and continued to spread. The ardent enthusiasm of the preachers of the "new light" religion presented a direct contrast to the staid formalism of the Established service and the cold rationalism of the Established clergy. "Their public discourses were nothing more than moral addresses, such as a pagan philosopher unassisted by the Bible, could have composed."<sup>1</sup> By this time two new sects had become especially active - the Presbyterians whose work began about the middle of the eighteenth century, and the Baptists who had followed them by a few years.

Long since the poorer people in the east and the people in the western section of the state had felt that the vitalizing principle of religious life no longer existed in the Established Church which was considered by them the rich man's church. A great many of the clergy, because of poverty, supplemented their salaries by becoming school teachers. As a result, since the parishes were unusually large, they had no time to devote to their parishioners except the weekly sermon on Sundays. Numbers of the people, therefore, were not reached at all. Ignorance, and in many cases immorality, abounded. Those who did attend church became careless and indifferent, insensible to true religion. Drunkenness, profaneness, and gambling became common pastimes. Observance of the Sabbath was no longer carefully kept. The diaries of the great George Washington reveal the fact that many things were done on Sundays beside attending church and that church at-

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1. Semple - History of the Baptists in Virginia - Beale, page 39

tendance was no longer considered to be necessary.<sup>1</sup> The traveling dissenting ministers constantly complained of the crowds who came to scorn and give trouble while they were preaching. Some of the Established clergymen were also dissolute in their habits, a fact which greatly shocked and disgusted the people who felt that the clergy should remain above reproach. This reflected unfavorably upon that body as a whole. Speaking of the clergymen of the Established Church of his day, Semple stated that,

"The main one (cause for the success of the Baptists in Virginia) was the loose and immoral deportment of the Established clergy, by which the people were left almost destitute of even the shadow of true religion. 'Tis true, they had some outward forms of worship, but the essential principles of Christianity were not only not understood among them, but by many never heard of. Some of the cardinal precepts of morality were disregarded, and actions plainly forbidden by the New Testament were often proclaimed by the clergy as harmless and innocent, or at most, foibles of but little account. Having no discipline, every man followed the bent of his own inclination. It was not uncommon for the rectors of parishes to be men of the lowest morals."<sup>2</sup>

A rather strong indictment is the foregoing statement and in many cases not a merited one; but it reveals the feeling of the time.

It was not alone the poorer classes, however, who became affected by the idea that they had the right to think for themselves in all matters and above all in matters pertaining to their religious life. The revolutionary spirit was in the air and the ranks were increased even by members of the Established Church. Such men as Thomas Jefferson imbued with the ideas of Professor

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1. Washington - The Diaries of - Fitzpatrick, Volumes I and II.  
2. Semple --History of the Baptists in Virginia - Beale, page 43.

Small of William and Mary College who he says "fixed the destinies of my life;"<sup>1</sup> James Madison, fresh from Princeton University with the ideas acquired there; George Mason; and others, took up the cause.

Peter Jefferson, the father of Thomas Jefferson, was a staunch Church of England man and had served in the vestry. Thomas Jefferson had been baptized in the faith and loved the church. But he considered above all things his independence and individuality, believing that no power had the right to encroach upon his privileges as a man. From the teachings of Dr. Small, association with other men of similar ideas, and his reading of the philosophers such thoughts had developed.<sup>2</sup>

Dr. Small, who had come to William and Mary College in the year 1760, was a bold and independent thinker of broad and liberal ideas. His introduction of natural sciences and experimental philosophy changed the whole atmosphere of William and Mary from whose halls liberal ideas were scattered throughout the state. This college became a hotbed of the doctrines of freedom in thought and in government which with many ran into the extreme of skepticism.<sup>3</sup> To quote from a letter written by I. A. Coles to Henry St. George Tucker, July 20th, 1779, "The spirit of Skepticism which so much prevailed and which every student acquired as soon as he touched the threshold of the college is certainly the first step to

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1. Jefferson - Writings of - Ford, Volume I, page 4 (Autobiography)

2. Ibid.

Watson - Life and Times of Thomas Jefferson, pages 19, 20, 23.

3. William and Mary Quarterly Volume VIII First Series, page 159 note 3  
William and Mary Quarterly Volume VI First Series, page 179.

knowledge.<sup>1</sup>

Likewise the introduction by such governors as Fauquier of liberal views aided the progress of free thought in Virginia.<sup>2</sup>

James Madison was educated at Princeton University, another center of liberal thought. The influence of the philosophy of Dr. Witherspoon, an ardent champion of American freedom and a man in sympathy with popular rights,<sup>3</sup> and that of the spiritual young students of the institution, left a deep imprint upon the young scholar's mind. After leaving that institution Madison devoted a number of years to the study of Christianity and of other religions. He was particularly aroused by the imprisonment in his own county, Orange, of dissenting preachers. To his college friend Bradford of Pennsylvania he wrote in January, 1774,

--- "But (I) have nothing to brag of as to the state and liberty of my country. Poverty and luxury prevail among all sorts; pride, ignorance, and knavery among the priesthood and vice and wickedness among the laity. This is bad enough but not the worst I have to tell you. That diabolical, hell-conceived principle of persecution rages among some; and to their eternal infamy the clergy can furnish their quota of imps for such business."<sup>4</sup>

This paragraph is expressed in strong language perhaps and is somewhat exaggerated but it reveals the fervency of the man for religious freedom.

Such liberal views, sponsored by the educated, thinking men of the time, spreading throughout the state did as much as the efforts of the dissenters to aid the cause of religious freedom.

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1. William and Mary Quarterly Volume VIII First Series, pages 158-159.
  2. William and Mary Quarterly Volume VIII First Series, page 172.
  3. Rives - History of the Life and Times of James Madison pages 16,17, (21,26.
  4. Madison - Writings of - Hunt, Volume I pages 18-21.

They were not separate and distinct phases but each was an important factor in the one great movement.

The Toleration Act proclaimed in England in 1689 had secured for Virginia some religious toleration which the Presbyterians under their great leader, Samuel Davies 1747-1758, had greatly extended. But by the year 1770, the people, not satisfied with toleration alone, were clamoring for liberty of conscience and real religious freedom. Aroused, as we have seen before, by the revolutionary spirit which existed and by the dissenters they were beginning to center their thoughts on religion but not the established form which previously had been dominant in the state. In that year (1770) the first petition for religious relief presented to a Colonial Legislature was referred to the Committee for Religion and rejected.<sup>1</sup>

From that time on the dissenting sects, especially the Presbyterians and Baptists, growing by leaps and bounds became outstanding factors in the religious struggle which outlasted the political struggle for freedom. As Thomas Jefferson expressed it,

"[In Virginia] the Anglicans retained full possession of the country about a century. Other opinions began to creep in, and the great care of the government to support their own church having begotten an equal degree of indolence in its clergy, two-thirds of the people had become dissenters at the commencement of the present revolution. The laws indeed were still oppressive on them, but the spirit of the one party had subsided into moderation, and of the other had risen to a degree of determination which commanded respect."<sup>2</sup>

The Baptists became strong even in some of the old sections

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1. Thom - The Struggle for Religious Freedom in Virginia, The Baptists-  
( pages 28 and 29.
  2. Jefferson - Writings of - Ford Volume III pages 261-266, (Notes  
on Virginia.)

of the state, the very centers of the Established Church, arousing thereby a strong antagonism which resulted in persecution. Their preachers going about among the "highways and hedges" refusing in defiance of the law (another example of the reaction against restraint) to take out licenses to preach, aroused the interest of the people and won many converts, some even among the members of the Established Church. As a result many of these ministers were imprisoned on a charge of disturbing the peace.

"At a court held for Caroline County the tenth day of September one thousand seven hundred and seventy-two

Present his Majesty's Justices

James Taylor	Thomas Lowry	} Gentlemen
Walker Taliaferro	George Guy	
William Woodford	Anthony New	

John Waller being brought before the Court pursuant to a warrant acknowledged the charge against him of his preaching at Henry Goodloes. It is Ordered he be and remain in Custody of the sheriff 'til he give security himself in the sum of Fifty pounds two securities in the sum of twenty-five pounds each for his good behaviour a year and a Day." <sup>1</sup>

The movement for a new toleration law had begun as early as 1769 but no action had been taken upon it.<sup>2</sup> In 1772 petitions from various Baptist organizations for the same toleration allowed to "Quakers, Presbyterians, and other Protestant Dissenters" <sup>3</sup> were presented to the Assembly. The committee on religion having declared these petitions reasonable, on February 27th, 1772, Robert Carter Nicholas presented a "Bill for extending the Benefit of the

1. Caroline County Court Order Book 1772-1776 page 107  
Quoted in William and Mary Quarterly Volume XXVII First Series  
(pages 138-139.)

2. Eckenrode - Separation of Church and State in Virginia, page 38.

3. Ibid - page 38

several Acts of Toleration to his Majesty's Protestant Subjects in this Colony, dissenting from the Church of England." <sup>1</sup> This bill which was amended before its passage did not satisfy the dissenters and in 1774 the Assembly again began to receive protests. <sup>2</sup> By that year the Baptists had become so strong that,

"So favorable did their prospects appear that towards the close of the year 1774 they began to entertain serious hopes, not only of obtaining liberty of conscience, but of actually overturning the Church Establishment, from whence all their oppression had arisen. Petitions for this purpose were accordingly drawn and circulated with great industry." <sup>3</sup>

With the year 1775 came the Revolution which swept all other interests aside. The Baptists, thorough republicans as they were, joined the army and petitioned the Assembly for permission to preach to the soldiers. This request was granted. <sup>4</sup> Some think this the first step towards establishing the equality of all clergymen in Virginia.

The revolutionary convention which met in Williamsburg May 6, 1776, among other things directed the appointing of a committee to prepare a Declaration of Rights and a constitution for Virginia. To this committee, after its appointment, were added James Madison and George Mason. Although disputes have arisen concerning the fact, evidence seems to prove that the latter of these two men drew up both the Bill of Rights and the constitution. <sup>5</sup>

1. Eckenrode - Separation of Church and State in Virginia, page 39.

2. Johnson - Virginia Presbyterianism and Religious Liberty in Colonial and Revolutionary Times, page 64.

3. Semple - History of the Baptists in Virginia - Beale, page 43.

4. Thom - The Struggle for Religious Freedom in Virginia, The Baptists pages 48-51.

5. Rowland - The Life of George Mason - Volume I pages 228, 229, 236, 237.



The sixteenth article, that relating to religion, the original reading of which was "that all men should enjoy the fullest toleration in the exercise of religion"<sup>1</sup> caused much discussion. James Madison believed that the use of the word "toleration" would lead to oppression of the various sects under the excuse of disturbance of the peace; nor did he believe that there could be recognition of religious rights by tolerance. Therefore he proposed an amendment which was finally adopted. This was a great step forward but not yet was the establishment broken.

On October 7, 1776, the first Assembly of the independent state of Virginia met. On that same day it received a petition from the Presbyterians of Prince Edward County containing a plea for disestablishment. The struggle for disestablishment, beginning on the first day of the Assembly and continuing until December, proved a long and bitter one. Thomas Jefferson, who during this Assembly occupied an outstanding place as one of the great exponents of democracy in religion, said the Assembly was crowded with these petitions which brought on the severest contests in which he had ever taken part.<sup>2</sup> That of the Hanover Presbytery presented October 24th is most worthy of note:

"Dissenters Petition 1776 October 24

Referred to the Committee of Religion

To the General Assembly

--- We rely upon the 'Declaration of Rights' as well

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1. Madison - Writings of - Hunt Volume I pages 32-40 (Bill of Rights)  
 2. Jefferson - Writings of - Ford, Volume I page 53.

as the justice of our honorable Legislature to secure us the free exercise of religion according to the dictates of our consciences.

The frontier countries were complaining because of tax burdens for the Established Church - lands, buildings, ministers' salaries - when so few in that section were Episcopalians. And throughout other parts of the country there are also many thousands --- (who) annually pay large taxes to support an Establishment from which their consciences and principles oblige them to dissent. --- Certain it is, that every argument for civil liberty gains additional strength when applied to liberty in the concerns of religion.

We beg further to represent that religious establishments are highly injurious to the temporal interests of any community ---.

Neither can it be made to appear that the Gospel needs any such civil aid ---.

We would also humbly represent that the only proper objects of civil government are the happiness and protection of men in their present state of existence, the security of the life, liberty and property of the citizens, and to restrain the vicious and encourage the virtuous, by wholesome laws equally extending to every individual; but that the duty which we owe our Creator, and the manner of discharging it, can only be directed by reason and conviction, and is nowhere cognizable but at the tribunal of the Universal Judge.

Therefore we ask no ecclesiastical establishments for ourselves, neither can we approve of them when granted to others ---. We are induced earnestly to entreat that all laws now in force in this Commonwealth which countenance religious domination may be speedily repealed ---.

Signed by order of the Presbytery

John Todd, Moderator

Caleb Wallace, P. Clerk" 1

The only bill passed in the 1776 session of the Assembly concerning the Established Church was the following:

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1. Meade - Old Churches and Families of Virginia, Volume II  
Appendix pages 440-443.

"All laws which render criminal the maintaining of any opinions in matters of religion, forbearing to repair to church or the exercising any mode of worship whatsoever, or which prescribe punishments for the same, shall henceforth be of no force or validity in this Commonwealth. After passage of Act all dissenters of whatever denomination, from the said Church, shall be totally free from all levies, taxes, and impositions whatever, toward supporting the said Church, as it now or hereafter may be established, or its ministers."<sup>1</sup>

The fourth section of this same bill reserved to the church "the glebe lands, churches and chapels, books, ornaments, decorations, averages of money or tobacco due, and private donations,"<sup>2</sup> a clause about which there was much trouble at a later period.

Thomas Jefferson who so ably labored in the Assembly and on many committees to establish religious freedom in Virginia says, "Each church being free, no one can have jurisdiction over another one --- but if he do not frequent the church or there conform to ceremonies, there is an immediate uproar."<sup>3</sup>

Again he wrote,

"--- The life and essence of religion consists in the internal persuasion or belief of the mind. External forms of unbelief, when against our belief are hypocrisy and impiety ---. A church is a voluntary society of men joining themselves together of their own accord in order to the public worshiping of God in such manner as they judge acceptable to Him and effectual to the salvation of their souls. It is voluntary because no man is by nature bound to any church."<sup>4</sup>

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1. Heming - Volume IX pages 164-166.
  2. Ibid.
  3. Jefferson - Writings of - Ford, Volume II page 99.
  4. Ibid - page 101.

The real disestablishment of the church came with the passage in 1776, made effective January 1, 1777, of the act temporarily suspending the payment of tithes,<sup>1</sup> an act renewed from year to year until the final passage of the Bill for Religious Freedom.

## II. 1777 - 1785

### The Struggle for Absolute Religious Freedom.

During the sessions of 1777 - 1778 the Virginia Assembly continued to suspend the levy for the support of Anglican clergy<sup>2</sup> in spite of protests from the other side. Many declared that religion was daily declining for lack of support.

In the session of 1779 the question of religious freedom claimed the attention of the legislators. On June 4th of that year a committee was appointed to prepare a bill for religious freedom.<sup>3</sup> During the remainder of the year the bill came up for various readings but with Jefferson, who at that time was governor of the state, out of the Assembly, its passage was put off from time to time. There came into the Assembly petitions for its passage and counter petitions protesting it and asking for establishment.

On November 18, 1779, George Mason presented in the Assembly a bill for repealing the act providing for the support

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1. Journals of the House of Delegates, Fall Session 1776 page 63.
  2. Hening - Volume IX 1777 pages 312,387.  
Ibid 1778 pages 469,578.  
Journals of the House of Delegates 1777 pages 35,36,51.  
Ibid 1778 page 105.
  3. Eckenrode - Separation of Church and State in Virginia, page 56.  
Journals of the House of Delegates, 1779 page 34.

of the Anglican clergy.<sup>1</sup> As a counter measure on November 26th, he introduced a bill providing for the retention by the established church of the property established to it by the law of 1776.<sup>2</sup> This second bill was postponed to March 3, following but on December 13, 1779 the repeal bill of November 18 secured passage.<sup>3</sup> The assessment question, however, was not settled by this act and in 1784 was again revived.

During the years 1780-'84 many petitions and memorials were presented to the Assembly by the dissenters in regard to the exclusive marriage laws then in force. Even at that late date only those marriages which were performed by the established clergy were considered legal.<sup>4</sup> At the same time protests were also presented against the inefficiency of the vestries in the management of the poor. In the 1780 session the questions of the marriage law and the inefficiency of the vestries came up for discussion and on July 6, 1780 a law dissolving the vestries and appointing overseers of the poor was passed.<sup>5</sup> On July 4 a bill (in regard to marriage laws) had been presented and passed by the house but it was defeated in the senate.<sup>6</sup> At the fall session of 1780 a bill stating just what was considered a lawful marriage was

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1. Journals of the House of Delegates, 1779 page 61.  
Rowland - The Life of George Mason, Volume I page 344
  2. Journal of the House of Delegates 1776, page 72
  3. Ibid - 1779, page 87
  4. Thom - The Struggle for Religious Freedom in Virginia, The Baptists page 69
  5. Journal of the House of Delegates page 77.
  6. Ibid - page 73.

passed,<sup>1</sup> but it failed to entirely satisfy the Baptists who had been particularly insistent in their demands. In 1782 they again petitioned the Assembly for more adequate marriage laws. No action was taken on this petition, however. In May and October 1783 the Baptists again raised complaints concerning the restrictions upon marriages.<sup>2</sup>

The question of a general assessment for the support of all denominations which previously had received little attention because of the difficult situation due to the war, was now revived and petitions were presented asking for an assessment. The Assembly of 1783, however, adjourned without taking any definite action upon religious matters.

In the religious history of Virginia the year 1784-'85 marks a period of reaction. As the natural result of the long revolutionary struggle which had been in progress, religion seemed to be in a state of decline. The enthusiasm of the period before had died out. The Episcopal Church was in a pitiful state due to the influences of the war and the attacks made upon it by the dissenters. The clergy, deprived of their salaries and harassed on all sides, were leaving their charges; the parishes were advertising for ministers.

The people, burdened with the thoughts of war and its evils, had become indifferent even to the former appeals of the

1. Thom - The Struggle for Religious Freedom in Virginia, The Baptists page 69.

Journal of the House of Delegates page 55.

2. Journal of the House of Delegates pages 26, 27.

Thom - The Struggle for Religious Freedom in Virginia, the Baptists pages 72, 73.

dissenting sects. Impiety and negligence existed among all sects. Freedom of opinion and laxness in responsibility prevailed. All ministers were poorly paid. Many dissenting ministers complained of the dissoluteness and carelessness of the people everywhere. Those who before the war had progressed had been true followers of their doctrines had now lost all interest and faith.<sup>1</sup> Not a few went to the meetings to laugh and mock; drunkards to cause disturbances. Many churches had been turned into hospitals.

Many witnesses testify to this decline of religion and morals. In a letter written to Patrick Henry May 6, 1783, George Mason stated, "Justice and virtue are the vital principles of republican government but among us a depravity of manners and morals prevails to the destruction of all confidence between man and man." <sup>2</sup> In like manner Semple said,

"The war, though very propitious to the liberty of the Baptists, had an opposite effect upon the life of religion among them. As if persecution was more favorable to vital piety than unrestrained liberty, they seem to have abated in their zeal, upon being unshackled from their manacles. --- From whatever cause, certain it is that they suffered a very wintry season. With some few exceptions the declension was general throughout the State. The love of many waxed cold. -----Iniquity greatly abounded."<sup>3</sup>

In regard to the condition of the Anglican Church Dr. Hawks stated, "The church existed but more than that can hardly be said, with roofless and deserted churches, with broken altars,

<sup>1</sup>. Asbury - Journals of, Volume I page 285

<sup>2</sup>. Rowland - The Life of George Mason, Volume II page 44.

<sup>3</sup>. Semple - History of the Baptists in Virginia - Beale pages 55,56.

and a clergy some of whom were reduced to flight or starvation!"<sup>1</sup>

Under such conditions the conservatives felt that if the spirit of liberalism was not dead at least it was losing ground and that the time had now come for them to revive their efforts.

Accordingly on Saturday May 15, 1784 a petition for assessment was presented to the Virginia Assembly by the inhabitants of Warwick County.<sup>2</sup> In that same month also there came petitions from the dissenters in regard to the marriage laws and vestries, problems which had never been successfully settled.

On June 4, 1784 the Protestant Episcopal Church presented the following petition requesting an act of incorporation of the church:

" A petition of the Protestant Episcopal Church was presented to the House and read; setting forth that their church labors under many inconveniences and restraints, by the operation of sundry laws now in force, which direct modes of worship and enjoin the observance of certain days may be repealed; that the present vestry laws may be repealed or amended, that the churches, glebe lands, donations, and all other property heretofore belonging to the established church may be forever secured to them by law; that an act may pass to incorporate the Protestant Episcopal Church in Virginia to enable them to regulate all the spiritual concerns of that church, alter its form of worship, and constitute such canons, by-laws and rules for the government and good order thereof, as are suited to their religious principles; and in general, that the Legislature will aid and patronize the Christian religion."<sup>3</sup>

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1. Hawks - Esslesiastical History, Volume I page 153
  2. Journals of the House of Delegates, 1784 page 8.
  3. Journals of the House of Delegates 1784 page 36.



A bill to that effect was presented in the house on June 16th, but after some debate it was shelved until the next session.<sup>1</sup>

In regard to the above petition Reverend John Blair Smith of Hampden-Sidney College wrote to James Madison June 21, 1784,

"But that part of the petition, which concerns me most as well as every other non-Episcopalian in the state, is, where these Clergymen pray for an act of the Assembly to Enable them to regulate all the spiritual concerns of the Church, etc. This is an express attempt to draw the State into an illicit connexion with them, which is already the ground of that uneasiness which at present prevails thro' a great part of the State. According to the spirit of that prayer, the Legislature is to consider itself as the head of that Party, and consequently they as members are to be fostered with particular care."<sup>2</sup>

The question of assessment also was allowed to drop since its adherents did not consider the time propitious for it.<sup>3</sup>

June 23, 1784 there was introduced a bill to amend the acts concerning marriages. This bill passed the house on June 28th, but failing to pass the senate it was put off.<sup>4</sup>

The Assembly reconvened in October 1784. On the eleventh of November a long debate was held on the question of assessment. A committee was appointed to prepare a bill providing for rules of assessment.<sup>5</sup> In his able speech against assessment James

1. Journals of the House of Delegates 1784 page 58.  
 2. Madison - Writings of - Hunt, Volume II page 213.  
 3. Journals of the House of Delegates 1784, page 76.  
 4. Ibid pages 81,82.  
 5. Ibid - October 1784 page 19.

Madison stated that religion was not under civil authority and that the true question was not "Is Religion necessary, - but are Religious Establishments necessary for religion? No." <sup>1</sup> The conservatives felt that the establishment of an assessment would curb that spirit of liberalism which had existed and that by making the churches of the evangelical sects a part of the establishment, their work would be hampered.

Committees were appointed in the Assembly to draw up an incorporation bill and bills for changes in the marriage and vestry acts. From December 22-24 the assessment bill was debated, but it was postponed,<sup>2</sup> a deed which brought on a campaign in which James Madison became a leader.

The opinion of the people at large in regard to a general assessment was not definitely known. Therefore, at the instigation of George Nicholas and George Mason, in the summer of 1785 James Madison drafted the following petition against assessment to be circulated among the people. I quote some of this petition because it so well expresses the ideas of those who were active even during this dormant period.

"Memorial and Remonstrance Against Religious  
Assessments.

To the Honorable the General Assembly  
of

The Commonwealth of Virginia

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1. Madison - Writings of - Hunt, Volume II pages 88,89.  
2. Journals of the House of Delegates 1784 pages 80,81,82.

## A Memorial and Remonstrance

We, the subscribers, citizens of the said Commonwealth, having taken into serious consideration, a Bill printed by order of the last session of the General Assembly entitled 'A Bill establishing a provision for teachers of the Christian Religion' and conceiving that the same if finally armed with the sanctions of a law, will be dangerous abuse of power, are bound as faithful members of a free State, to remonstrate against it, and to declare the reasons by which we are determined. We remonstrate against the said Bill,

1. Because, we hold it for a fundamental and undeniable truth 'that Religion or the duty which we owe to our Creator and the Manner of discharging it can be directed only by reason and conviction not by force or violence.' The Religion then of every man must be left to the conviction and conscience of every man; and it is the right of every man to exercise it as these may dictate ---.

2. Because if religion be exempt from the authority of the Society at large still less can it be subject to that of the Legislative Body. The latter are but the creations and viceregents of the former ---.

3. Because it is proper to take alarm at the first experiment on our liberties. We hold this prudent jealousy to be the first duty of citizens, and one of (the) noblest characteristics of the late Revolution ---.

4. Because the bill violates that equality which ought to be the basis of every law, and which is more indispensable, in proportion as the validity or expediency of any law is more liable to be impeached. --- Above all are they to be considered as retaining an 'equal title to the free exercise of religion according to the dictates of conscience.' ----

5. If this freedom be abused, it is an offense against God, not against man. To God therefore, not to man, must an account of it be rendered ---.

6. Because the establishment proposed by the Bill is not requisite for the support of the Christian Religion. To say that it is, is a contradiction to the Christian Religion itself, for every page of it disavows a dependence on the powers of this world.

7. Because experience witnesseth that ecclesiastical establishments, instead of maintaining the purity and efficacy of Religion, have had a contrary operation. During almost fifteen centuries, has the legal establishment of Christianity been on trial. What have been its fruits? More or less in all places, pride and indolence in the Clergy; ignorance

and servility in the laity; in both superstition, bigotry, and persecution.

8. Because the establishment in question is not necessary for the support of the Civil Government.

9. \_\_\_\_\_

10. \_\_\_\_\_

11. Because it will destroy that moderation and harmony which the forbearance of our laws to intermeddle with Religion, has produced among its several sects ---. The very appearance of the Bill has transformed that 'Christian forbearance, love, and charity' which of late mutually prevailed into animosities and jealousies, which may not soon be apparent.

12. Because, the policy of the bill is adverse to the diffusion of the light of Christianity. The first wish of those who enjoy this precious gift, ought to be that it may be imparted to the whole race of mankind.

13. \_\_\_\_\_

14. \_\_\_\_\_

15. Because, finally 'the equal right of every citizen to the free exercise of his Religion according to the dictates of conscience', is held by the same tenure with all other rights. If we recur to its origin, it is equally the gift of nature ---.

We, the subscribers say, that the General Assembly of this Commonwealth have no authority (to enact into law the Bill under consideration)." 1

Petitions for and against assessment flooded the Assembly but the opposition proved so strong that the bill quietly died in the committee without any action being taken on it.<sup>2</sup> George Mason even went to the expense of having copies of the "Remonstrance" printed and circulated, he so heartily agreed with its principles.<sup>3</sup>

1. Madison - Writings of - Hunt, Volume II pages 183-191.

2. Eckenrode - Separation of Church and State in Virginia, page 113.

3. Rowland - The Life of George Mason - Volume II page 88.

On December 14 the bill for establishing religious freedom was brought into the house.<sup>1</sup> After amendment of the preamble it passed the house on December 17th<sup>2</sup> but failed in the senate. It was finally passed January 12, 1786.<sup>3</sup> Madison in writing to Thomas Jefferson concerning this session of the Assembly said,

"The only one of these bills which was pursued into an Act is the bill concerning Religious Freedom. The steps taken throughout the Country to defeat the General Assessment had produced all the effect that has been wished. The table was loaded with petitions and remonstrances from all parts against the interposition of the Legislature in matters of Religion ---. The bill was carried through the House of Delegates without alteration. The Senate objected to the preamble and sent down a proposed substitution of the sixteenth article of the Declaration of Rights. The House of Delegates disagreed. (Finally) the enacting clauses passed without a single alteration, and I flatter myself have in this country extinguished forever the ambitious hopes of making laws for the human mind."<sup>4</sup>

In reply to this letter Jefferson wrote December 16, 1786,

"It is comfortable to see the standard of reason at length erected, after so many ages during which the human mind has been held in vassalage by kings, priests, and nobles; and it is honorable for us (Virginia) to have produced the first legislature who had the courage to declare that the reason of man may be trusted with the formation of his own opinions."<sup>5</sup>

In spite of this achievement, however, the conservatives had succeeded on December 22, 1784 in making into a law the bill for incorporation.<sup>6</sup>

The real struggle for religious freedom was now ended

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1. Journals of the House of Delegates 1785 page 92.
  2. Ibid, page 96.
  3. Ibid 1786 pages 38, 39.
  4. Madison - Writings of - Hunt, Volume II page 216.
  5. Jefferson - Writings of - Ford, Volume II page 67.
  6. Journal of the House of Delegates page 79.

but the radicals were not content so long as the Episcopal Church still remained incorporated and in possession of her churches and glebes.

### III. 1786 - 1805

#### Period of Radicalism

The year 1786 marks the beginning of the final stage of the religious conflict in Virginia. A spirit of radicalism now prevailed which led to the final attack on the Anglican Church - the fight to repeal the Incorporation Act of 1784 and to take away the glebes belonging to that institution.

The campaign for the repeal of the Incorporation Act and the sale of the glebes, at first started by the Presbyterians, now began to be led by the Baptists. In 1786 they petitioned the Virginia Assembly<sup>1</sup> to repeal the law of 1784 incorporating the Episcopal Church, claiming among other things that such an act was a direct violation of the Bill of Rights. The church did not lack defenders but the dissenters were too powerful for them. On January 6, 1787 a bill repealing the Incorporation Act was passed by the house. On January 8th, the senate amended and passed the bill but upon the rejection by the house of these amendments the senate receded from them. On the following day the bill became a law.<sup>2</sup> By this act all the churches were placed on an equal footing, completely securing religious freedom.

And yet the radicals were not satisfied. They felt that

1. Thom - The Struggle for Religious Freedom in Virginia, The Baptists page 82.

2. Ibid, page 82.

Eckenrode - Separation of Church and State in Virginia pages 128, 129.

the property of the Episcopal church should become public property since, they claimed, all had been taxed alike for its support, a fact which has been much disputed. Bishop Meade suggests that there were no dissenters when the glebes were purchased and certainly no Baptists.<sup>1</sup> However, in an attack led by the Baptists petitions for the sale of the glebes were presented to the Assembly each year from 1787 - 1799.<sup>2</sup> Debates followed; amendments were made; but the matter was put off. The struggle dragged along until finally the church carried the affair into the courts, but with little result. Technical decisions, in the main amounting to very little, were all that could be accomplished.<sup>3</sup> At last in 1798 the Assembly took up the question and on January 24, 1799 an act was passed letting the church property revert to the public.<sup>4</sup> In 1802 a final act was passed giving authority to sell the glebes for the benefit of the public if the proceeds were not used for religious purposes.<sup>5</sup> As a result of the carrying out of this act much trouble developed. The money secured was put to various uses and was not always wisely administered. Also there was, said Dr. Hawks,

"Desecration of property as well. Sacred vessels were scattered and passed in some instances into impious hands. A reckless sensualist has given a morn-

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1. Meade - Old Churches and Families of Virginia, Volume II page 447.
  2. Hawks - Ecclesiastical History, Volume I page 208.
  3. Eckenrode - Separation of Church and State in Virginia, page 48.
  4. Thom - The Struggle for Religious Freedom in Virginia, The Baptists, pages 88, 89.
  5. Eckenrode - Separation of Church and State in Virginia page 147.  
Thom - The Struggle for Religious Freedom in Virginia, the Baptists pages 89,90.

ing dram to his guests from a silver cup which has often contained the consecrated symbol of his Saviour's blood. In another instance an entire set of communion plate of one of the old churches is in the hands of one who belongs to the society of Baptists.---. The Bishop of Virginia in the course of his visitation, has witnessed the conversion of a marble baptismal font into a watering trough for horses." 1

The act of 1802 marked the culmination of radicalism. As time advanced all sects began to renew their activities and to grow. Christianity became more powerful than ever before in the history of Virginia.

End.



## Summary

In Virginia, a colony settled by Englishmen who transplanted English ideas to the new soil, the established church was a fundamental institution. Its management and its clergy were regulated by law in such a way that the church became closely allied with the political issues of the colony.

The people of Virginia, keeping in close touch as they did with the mother country, felt that they possessed all the rights of Englishmen and consequently were by nature an independent, liberty-loving people. The character of society in the colony likewise aided in forming independence of thought and feeling.

### I, 1770 - 1777

The clergy of the Established Church, being poorly paid, sought other occupations and neglected their parishioners, giving only the weekly sermon which was in most cases a formal discourse. Some of the clergy were not careful in their habits, a fact which caused a reflection upon the whole body. Under such conditions interest in church attendance and in religion generally declined.

When the people did consider these affairs at all, they looked elsewhere for satisfaction of their religious nature. In the early eighteenth century the "new light" movement in religion came to Virginia and, proving just the opposite of the established faith, found ready converts. Dissent grew especially as the revolution came on. During the middle of the century two principle sects began to develop - the Presbyterians and the Baptists. Liberal ideas began to advance not only among the dissent-

ers, who at first came from the poorer classes, but even among the members of the establishment, particularly the thinking men who were interested in philosophical studies. This advance of free thought did not form a separate phase of the movement but the two forces worked together. In 1777 by joint effort they accomplished the disestablishment of the church by the passage of the act temporarily suspending the payment of tithes.

## II. 1777 - 1785

During the years 1777 - 1785 the liberals continued their agitation for the removal of certain restrictions in church matters and did succeed in having the law for the levy for support of Anglican clergymen suspended from year to year and finally repealed. Agitation was likewise started for a bill for religious freedom.

As a result of the effects of the war, during the period from 1777-'85 laxness in religion and looseness in morals more strongly prevailed. The thoughts of the people were also centered on war measures and not on matters of religion.

Therefore, during the year 1784 - '85 the liberals were inactive and the conservative element went to work again. They tried to put through the legislature bills for general assessment and for the incorporation of the Episcopal church, the latter being successfully carried through. Some of the liberals were still active, however, and carried through the legislature a bill for religious freedom.

## III. 1786 - 1805

Religious freedom was now practically accomplished but

the radicals were determined completely to wreck the Establishment. They succeeded in 1787 in repealing the Incorporation Act of 1784. After many petitions and controversies in 1802 the final act authorizing the sale of the glebes belonging to the Episcopal church was passed. This act marked the end of radicalism in Virginia.

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