

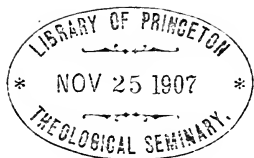
# Virginia Presbyterianism and Religious Liberty

in Colonial and Revolutionary  
Times

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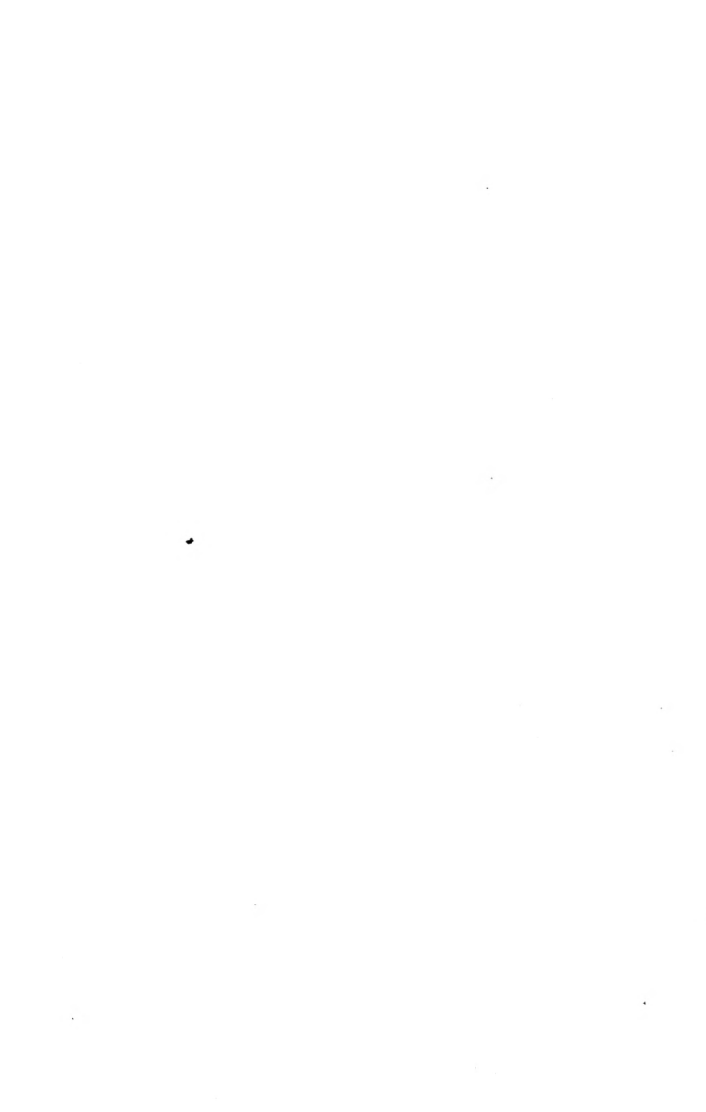
By THOS. CARY JOHNSON

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# Virginia Presbyterianism

AND

## Religious Liberty

IN

Colonial and Revolutionary Times

By THOS. CARY JOHNSON,

PROFESSOR OF ECCLESIASTICAL HISTORY IN UNION THEOLOGICAL SEMINARY,  
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"THE PRESBYTERIAN CHURCH IN THE UNITED STATES."

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1907



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## PREFACE.

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REPEATEDLY asked, during the last seven months, to produce a sketch of *the services of Presbyterians during Colonial and Revolutionary days to the cause of religious liberty*, this little book is the writer's response. It has been his steadfast desire to claim nothing more for Presbyterians than was warranted by objective fact; and, notwithstanding the limits of space fixed by his publishers, to acknowledge, at least in general terms, the highly important services of other forces.

He should acknowledge here the free use he has made, in preparing this paper, of Foote's *Sketches of Virginia*, Brigg's *American Presbyterians*, Rives' *Life and Times of Madison*, William Wirt Henry's *Life, Correspondence, and Speeches of Patrick Henry*, etc., etc. He owes thanks, also, to the librarians of the Virginia State Library, who kindly and courteously gave him access to the rich treasures of that institution, including many original manuscripts, copies of which were verified before their incorporation into this work.

With the hope that it may conserve the interests of truth, he sends this little book forth.

UNION THEOLOGICAL SEMINARY IN VIRGINIA.

July 18, 1907.



# Virginia Presbyterianism *and* Religious Liberty.

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## CHAPTER I.

### INTRODUCTION : PURPOSE OF THIS BOOKLET.

**T**HE Virginia doctrine of the separation of Church and State has long prevailed throughout all the vast territory of these United States, save where Mormonism has fixed its unholy seat. The old mother of States and statesmen is venerable for nothing more than for this doctrine, and for her exemplification of it. Too little, however, is generally known as to how Virginia came to hold to the separation of Church and State, and as to how she came to put the principle into application.

No attempt shall be made in this booklet even to name all the forces which worked together, under the Providence of God, to these ends. Forces, apparently the most hostile, the advocates of privilege and prerogative, of the establishment, no less than the advocates of toleration and liberty, were used of Providence to achieve this advance. The positive forces working for it were numerous. Individuals from every denomination in the colony helped in the great struggle. Quakers, the Baptists particularly, and other *denominations*, as well as Presbyterians, took a useful part in the struggle. No one denomination can justly claim to have been the sole aggressive agency at any one time in the long contest. Principles which consti-

tuted the common heritage of Protestants, wrought themselves out in their legitimate fruitage in this doctrine of religious liberty. Civil commotions and political revolution, by the opportunities afforded, favored the cause. The Time-Ghost of the America colonies, made for the same thing.

To sketch all these forces would require much space. In this brochure an attempt is made to indicate some of the services of Presbyterians in behalf of religious liberty, during colonial and revolutionary days.

## CHAPTER II.

### CONDITION OF DISSENTERS IN THE COLONY OF VIRGINIA, 1607-1688.

THE early colonists of Virginia were, in the main, conforming Englishmen, who had come, not for religious reasons, but to advance their temporal fortunes. They, naturally, established the Church of England by law. The Church of England of the period was not a thorough-going Episcopal church till the Act of Uniformity of 1662, passed by the Cavalier Parliament of Charles II., which required thenceforth that all its ministers should have received Episcopal ordination. The Puritan party was strong in the church. The mixed character of the Anglican Church was reproduced in the early colonial church in Virginia.

The percentage of Puritans, and the percentage of Presbyterian Puritans amongst the colonists in this period can only be conjectured. But both the purpose in the founding of the colony and the character of the Virginia Company of London, composed of men, some of whom were amongst the most remarkable of their age for breadth of mind, makes for the view that it was not inconsiderable. The Rev. Robert Hunt, the pious and devoted minister who came with the first body of settlers, may have been a Puritan; he was educated at the University of Cambridge, a Puritan centre at the time. If the Puritanism of Mr. Hunt is incapable of proof, the same cannot be said of Alexander Whitaker, who, in the language of a contemporary, was "a scholar, graduate, preacher, well-

born and friended in England; not in debt nor disgrace, but completely provided for, and liked and beloved where he lived; not in want, but (for a scholar and as these days be) rich in possession, and more in possibilities, of himself without any persuasion (but God's and his own heart), did voluntarily leave his warme nest; and, to the wonder of his kindred and amazement of them that knew him, undertook this hard, but, in my judgment, heroicall resolution to go to Virginia, and helpe to bear the name of God unto the Gentiles."<sup>1</sup> He was a son of the famous Dr. William Whitaker, Professor of Divinity at Cambridge, England, and an Independent (Presbyterian) Puritan, as shown in the literature of the time. He writes, June, 1614:

"Every Sabbath-day, we preach in the forenoon and catechise in the afternoon. Every Saturday, at night, I exercise in Sir Thomas Dale's house. Our Church affairs be consulted on by the minister and four of the most religious men. Once every month we have a communion, and once a year we have a solemn fast." He subsequently wrote: "Here neither surplice nor subscription is spoken of."<sup>2</sup>

Nansemond County seems to have become a centre of Puritanism in the period before us. Encouraged by the state of affairs in England in 1641, Puritan congregations of Nansemond sent to New England for ministers. Three answered the call. After a brief ministry, at least two of

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<sup>1</sup> W. Crashawe's Epistle Dedicatorie to the Godnewes from Virginia," quoted in F. L. Hawk's, *A Narrative of Events Connected with the Rise and Progress of the Protestant Episcopal Church in Virginia*, p. 28.

<sup>2</sup> E. D. Neill, *Notes on the Virginia Colonial Clergy*, Philadelphia, 1877, p. 4; George Bancroft's *History of the United States*, Vol. I., p. 141, quoted in C. A. Briggs, *American Presbyterianism*, p. 87.

them were driven out. Puritanism continued to grow, nevertheless, till the bitter measures in 1649, when some of the Virginia Puritans migrated to Maryland, others to other colonies, some going to New England;<sup>3</sup> and others conformed, for the time, to the requirements of the ecclesiastical establishment.

It has been seen that the Established Church in Virginia was not, at first, much concerned about uniformity. Large freedom was encouraged by the Virginia Company of London. When its charter was revoked, in 1624, and the English Government took immediate oversight of the colony, the Government showed broad-mindedness in reference to religious differences. In the instructions to Sir William Berkeley, September 12, 1662, we read:

“And because we are willing to give all possible encouragement to persons of different persuasions in matters of religion to transport themselves thither and their stocks, you are not to suffer any man to be molested, or disquieted in the exercise of his religion, so he be content with a quiet and peaceful enjoying it, not giving therein offence or scandal to the government; but we oblige you in your own house and family to the profession of the Protestant religion, according as it is now established in our Kingdom of England, and the recommending it to all others under your government, as far as it may consist with the peace and quiet of our said colony.”<sup>4</sup>

These instructions, it is supposed, represent fairly the attitude of the English Government throughout the years now considered. But the majority in the colonial legislature took a narrower course. In the year 1624, the House of Burgesses enacted the following statute:

“That there be an uniformity in our Church as neere as may be to the canons in England; both in substance and circumstance,

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<sup>3</sup> Cotton Mather, D. D., *Magnalia*, pp. 538, 539.

<sup>4</sup> E. D. Neill, *Virginia Carolorum*, p. 292.

and that all persons yield ready obedience unto them under paine of censure."<sup>5</sup>

Similar laws, but in somewhat severer form, were passed in 1631 and 1632.<sup>6</sup> But no great rigor of persecution was indulged till 1642, when the following Act of Uniformity was passed:

"For the preservation of the purity of doctrine and unitie of the Church, It is enacted that all ministers whatsoever which shall reside in the colony are to be conformable to the orders and constitution of the Church of England, and to the laws therein established, and not otherwise to be admitted to teach or preach publicly, or privately. And that the Governor and Council do take care that all Non-Conformists, upon notice of them, shall be compelled to depart the colony with all conveniencie."<sup>7</sup>

Sir William Berkeley, Governor of the Colony, 1642 to 1677, with the exception of an intermission during the Protectorate of Cromwell, was in full sympathy with this enactment. It was under him that some of the Nansemond Puritans migrated to Maryland, and others to other points. After the restoration of the Stuarts to the English throne, in the revisal of the colonial legislation of 1662, this Act of Conformity was re-affirmed. Severer laws were passed in 1663,<sup>8</sup> intended particularly for the Quakers, who had been coming in since about 1656; the laws of 1663 were framed so as to include all "Separatists." Nor were they dead letters. This is proven by the Journal of the House of Burgesses. This record shows that Separatists smarted under penalties inflicted.

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<sup>5</sup> Henning's *Statutes at Large*; Vol. I., p. 123.

<sup>6</sup> Henning's *Statutes at Large*, pp. 155, 180.

<sup>7</sup> Henning's *Statutes at Large*, Vol. I., p. 277.

<sup>8</sup> Henning's *Statutes at Large*, Vol. 2, pp. 180-4.



In the county of Accomac and on Elizabeth River, Presbyterians developed organic life after about 1683. In one of these quarters the tobacco produced was so poor, that the people could not get an orthodox minister to stay among them.<sup>9</sup> In these regions there were occasional Scotch merchants and factors, occasional Huguenots, some Scotch-Irish, and some English settlers of Puritan proclivities. The Accomac people were neighbors to a similar people in Somerset County, Maryland. In Maryland, prior to 1692, when the Church of England was established, perfect religious liberty had been enjoyed. People of Presbyterian leanings in these happy circumstances had, as early as 1680, addressed the Presbytery of Laggan, in the North of Ireland, for a minister. In answer to their call, and to another from Barbadoes, young and resourceful Francis Makemie was sent over, first to Barbadoes and then to Maryland.<sup>10</sup> He organized churches in Maryland and Accomac County, Virginia; looked after the remnants of the Puritan congregations in Nansemond County, and later became foster-father to all American Presbyterianism.

Mr. Makemie, it is probable, lived in Maryland for a time, after coming to this country. But events carried him to Virginia. He met with relatively little opposition on the eastern shore, owing to the absence of an Episcopal minister. He steadily grew in influence; and, if the growth in influence brought persecution upon him, he was not the man to yield till the last available weapon had been used.

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<sup>9</sup> Compare Beverly, *History and Present State of Virginia*, Book 4th, Part 1st, chap. 7th, sec. 39; also, Foote, *Sketches of Virginia*, p. 50.

<sup>10</sup> C. A. Briggs, *American Presbyterianism*, Appendix, p. 44, *et seq.*

He was a man of Scotch-Irish blood and typical Scotch-Irish character; won to Christ as a lad of fourteen or fifteen; educated at the University of Glasgow; ordained by the martyr Presbytery of Laggan, knowing well what he braved from what he had seen, while in Scotland, of her streams running with blood from the victims of Claverhouse and Dalziel. He was a man of fervid piety, strong intellectuality, vigorous will-power, attractive address, tact, and general, all-round endowments. Indisposed to excite unnecessary antagonisms, he was an invincible fighter for what he regarded due to right. He was the man to cultivate Presbyterianism with success in the difficult circumstances found in Virginia in 1683 to 1688, and to take advantage of the Act of Toleration given in England in 1689.

### CHAPTER III.

#### EFFORTS TO SECURE THE APPLICATION OF THE ACT OF TOLERATION, 1689-1763.

THE Revolution of 1688, which substituted for James Stuart, as King of England, William of Orange and his wife, Mary, is justly memorable as epochal in the history of religious liberty, "the privileges of conscience having had no earlier *magna charta* and petition of right whereto they could appeal against encroachment." They secured the passage of the Act of Toleration. "This act exempts from the penalties of existing statutes against separate conventicles, or absence from the established worship, such as should take the oath of allegiance, and subscribe the declaration against popery, and such ministers of separate congregations as should subscribe the Thirty-nine Articles of the Church of England," three of those articles and a portion of a fourth excepted. It gives also an indulgence to Quakers without this condition. Meeting houses are required to be registered, and are protected from insult by a penalty.<sup>1</sup>

The Toleration Act gave but a scant measure of religious liberty. The Dissenters still labored under civil disabilities. The Test Act and Corporation Act still stood between them and civil office. But small though this chartered right of religious liberty was, it was a bulwark of that degree conceded and involved in it seeds germinant and growing into larger liberties.

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<sup>1</sup> Henry Hallam, *Constitutional History of England*, Vol. II., p. 381.

Mr. Makemie was the man in Virginia to profit by the Toleration Act. He was possessed of the disposition and the abilities to make it avail for Dissenters. Tradition says that he previously had often suffered under the laws of Virginia. "He durst not deny preaching, and hoped he never should while it was wanting and desired." "In defence of himself, he appeared before magistrates and before the Governor." It is not improbable that he occasioned the incorporation of the Toleration Act into the Virginia laws, which was not done till 1699, and then only by a grudging and belittling reference.<sup>2</sup>

Could he have preached without restraint wherever, in the vast field to which Providence had called him, he found an open ear on the people's part, he would have preferred this greater freedom. But he was ready to apply to the utmost the legal vantage of the Toleration Act, in the absence of something better. In the course of 1699, he applied to the county court of Accomac for a certificate of qualification under that act. In the records of Accomac, under date of October 15, 1699, we read:

"Whereas Mr. Francis Makemie made application by petition to this court, that being ready to fulfill what the law enjoins to Dissenters, that he might be qualified according to law, and prayed that his own dwelling-house at Pocomoke, also his own house at Onancock, next to Captain Jonathan Livesley's, might be the places recorded for meeting, and having taken the oaths enjoined by Act of Parliament, instead of the oaths of Allegiance and Supremacy, and subscribed the Test as likewise that he did in compliance with what the said law enjoins, produce certificate from Barbadoes of his qualifications there, did declare in open court, of the said county, and owned the articles of religion mentioned in the statute made in the 13th year of Queen Elizabeth, except the 34th, 35th and 36th, and those words of the 20th article,

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<sup>2</sup> For this belittling reference see William H. Foote's *Sketches of Virginia*, pp. 48, 49.

viz. 'The Church hath power to decide rites and ceremonies, and authority in controversies of faith,' which the court have ordered to be registered and recorded; and that the clerk of the court give certificate thereof to said Makemie according as the law enjoynes.'<sup>3</sup> 'This is the first certificate of the kind known to be on record.'"

The founder of the Presbyterian Church in North America, the organizer of the first American Presbytery—the old General Presbytery of Philadelphia—interested in enlarging the supply of ministers of his denomination, as well as in evangelistic effort over a wide territory, he travelled much through the colonies, from South Carolina to Massachusetts, and, in one of these remote colonies, fought his greatest single battle, perhaps, for religious liberty. In the month of January, 1707, Mr. Makemie, on a tour to New England, preached in the incipient city of New York. He had been invited to preach by some of the citizens. He had consented. Application had been made, without his knowledge, to the Governor for permission to preach in the Dutch Church. This had been refused, the Governor declaring, too, that it was his prerogative to decide who should be permitted to preach in the city and province. Mr. Makemie preached, nevertheless, in an open and public manner, in the house of William Jackson, on Pearl Street. He also baptized a child presented for that ordinance. Two or three days later he was arrested, and brought before Lord Cornbury in the Council Chamber. Here he was greeted with the arrogant question: "How dare you to take it upon you to preach in my government without my license?" Makemie pointed to his "liberty from an act of Parliament made in the first year of the reign of King William and Queen Mary," with which law he "had complied." Corn-

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<sup>3</sup> L. P. Bowen, *Days of Makemie*, p. 309.



REV. FRANCIS MAKEMIE ON TRIAL BEFORE LORD CORNBURY

*From a Painting by Mr. H. A. Ogden, in the possession of Dr. McCook, the  
President of the Presbyterian Historical Society.*

bury declared that none should preach in his government without his license. Makemie replied: "If the law for liberty had directed us to any particular person in authority for license, we would readily have observed the same; but we cannot find any direction in the act of Parliament, therefore we would not take notice thereof." Cornbury declared: "That law does not extend to the American plantations, but only to England." Makemie responded: "My lord, I humbly conceive that it is not a limited nor local act; and am well assured it extends to other plantations of the queen's dominions, which is evident from certificates from courts of record of Virginia and Maryland, certifying we have complied with the law."

Here the certificates were produced and read by Lord Cornbury, who declared that they did not extend to New York.

He said of the Act of Toleration: "I know it is local and limited, for I was at the making thereof."

Makemie replied: "Your Excellency might be at the making thereof, but we are assured that there is no such *limiting clause* therein as in local acts, and desire that the law may be produced to determine the point."

Turning to the attorney, Mr. Bekely, Cornbury said: "Is it not so, Mr. Attorney?"

The attorney affirmed: "Yes, it is local, my lord." Producing an argument, he went on to say, that all the penal laws were "local and limited, and did not extend to the plantations;" and that "the Act of Toleration, being made to take off the edge of the penal laws, does not extend to the plantations."

To this Makemie answered: "I desire the law may be produced; for I am morally persuaded that there is no limitation or restriction in the law, to England, Wales and Berwick on Tweed; for it extends to sundry planta-

tions of the queen's dominions, as Barbadoes, Virginia and Maryland, which is evident from certificates produced, which we could not have obtained if the Act of Parliament had not extended to the plantations. I presume New York is a part of Her Majesty's dominions also; and sundry ministers on the east end of Long Island have complied with the law and qualified themselves at court by complying with the directions of said law, and have no license from your lordship."

Cornbury replied: "Yes, New York is of Her Majesty's dominions; but the Act of Toleration does not extend to the plantations by its own intrinsic virtue, or any intention of the legislators, but only *by Her Majesty's instructions signified unto me, and that is from her prerogative and clemency*, and the courts which have qualified these men are in error, and I will check them for it."

To this Makemie said: "If the law extends to the plantations any manner of way, whether by the queen's prerogative, clemency, or any other wise, our certificates were demonstration that we had complied therewith."

But Cornbury asserted: "These certificates were only for Virginia and Maryland; they did not extend to New York."

Makemie responded: "We presume, my lord, our certificates do extend as far as the law extends; for we are directed by the Act of Parliament to qualify ourselves in the places where we live, which we have done; and the same law directs us to take *certificates of our qualification*, which we have also done; and these certificates are not to certify to such as behold us taking our qualifications, being performed in the face of the country at a public court; but our certificates must be to satisfy others abroad in the world, who saw it not, nor heard anything of, otherwise it were needless. And that law which obliges us to



take a certificate must allow said certificate to have a credit and a reputation in Her Majesty's dominions; otherwise it is to no purpose."

Cornbury here took refuge in a rude impeachment: "That Act of Parliament was made against *strolling preachers*, and you are such and shall not preach in my government."

The imperturbable Makemie answered: "There is not one word, my lord, mentioned in any part of the law against *traveling* or *strolling* preachers, as your Excellency is pleased to call them; and we are to judge that to be the true end of the law which is specified in the preamble thereof, which is: 'For the *satisfying scrupulous consciences and uniting the subjects of England in interest and affection.*' And it is well-known to all, my lord, that Quakers, who have liberty by this law, have few or no fixed teachers, but are chiefly taught by such as travel, and it is known to all, that such are sent forth by the yearly meeting at London, and travel and teach over the plantations, and are not molested."

To this Cornbury retorted: "I have troubled some of them, and will trouble them more."

Makemie replied: "We hear, my lord, one of them was prosecuted at Jamaica, but it was not for *traveling and teaching*, but for *particulars in teaching* for which he suffered."

Cornbury again retorted: "You shall not spread your pernicious doctrines here."

The ready Makemie replied: "As to our doctrines, my lord, we have our Confession of Faith, which is known to the Christian world, and I challenge all the clergy of New York to show us any false or pernicious doctrines therein; yea, with these exceptions specified in the law, we are able to make it appear that they are in all doctrinal

articles of faith, agreeable to the *established doctrines of the Church of England.*"

Cornbury further objected: "There is one thing wanting in your certificates, and that is the signing the Articles of the Church of England."

Said Makemie: "That is the clerk's omission, my lord, for which we are no way accountable . . . ; but if we had not complied with the whole law, in all parts thereof, we should not have had certificates pursuant to said Act of Parliament. And your lordship may be assured that we have done nothing in complying with said law but what we are still ready to perform, if your lordship require it, and that ten times over. And as to the *articles of religion*, I have a copy in my pocket, and am ready at all times to sign, with those exceptions specified by law."

Upon this Cornbury charged him with preaching in a private house. Makemie replied that his lordship had necessitated this course by shutting him out of the Dutch Church; but that he had preached "*in as public a manner as possible, with open doors.*"

His lordship again fell back upon his instructions, declaring that no one should preach in his government without his license. To this Makemie replied that he could be guided only by what he had seen, declaring that, "*Promulgation is the life of the law.*" The Governor demanded that Makemie should give bond and security for good behavior, and that he should not preach any more in his government. The steadfast preacher replied, that though he had "no way broke" his behavior, endeavoring always to keep a "conscience void of offence toward God and man," yet, his lordship requiring it, he would give security for his good behavior, but that he "neither could nor dared" give bond and security to preach no more in His "Excellency's government." "Then," said Cornbury,

“you must go to gaol.” Makemie answered: “We are neither ashamed nor afraid of what we have done. . . . And it will be unaccountable in England, to hear . . . that we, who have complied and are still ready to comply with the Act of Toleration, and are nearest and likeliest to the Church of England of any Dissenters, should be hindered, and that only in the government of New York and New Jersey. This will appear strange indeed.”

After further dialogue, the Governor proceeded to write out the necessary papers for Makemie’s commitment in New York. Makemie moved that the law be produced to determine whether it were local and limited or not. He offered to pay the attorney for a copy of that paragraph which contained the limiting clause.

Cornbury contemptuously asked: “You, sir, know law?” Makemie replied with confidence: “I do not, my lord, pretend to know law; but I pretend to know this particular law, having had sundry disputes thereon.”

The copy of his commitment was written out. It was illegal in several particulars—granted and signed by the Governor, whose legal functions did not include such acts; without reference to the queen’s authority; without alleging any crime as the ground of commitment; directing the sheriff to hold him not “*until he is delivered by due course of law,*” but “*until further orders.*” Mr. Makemie was kept in prison till March 1st, notwithstanding petitioning the Governor to know his crime; pleading that he was a stranger and on his way to New England, about four hundred miles from his home; and asking what he “conceived to be the undoubted right and privilege of every English subject,” a “speedy trial.” When at length brought to trial before a grand jury, he was indicted for “having preached to an assembly of more than five persons without having obtained permission and without

qualification, and also for having used other rites and ceremonies than those used in the Book of Common Prayer."<sup>4</sup>

The trial was postponed till the next term, in June. As June approached, the resolute advocate of Dissenters' rights, "with his man," returned from far Virginia, to New York, in time to meet the court on the first day of its sessions. In the conduct of his case, he had the aid of three of the best lawyers in New York. The iniquity of the prosecution was made plain. His lawyers having concluded their arguments, Makemie spoke in his own defence. He had been trained by many experiences in Virginia. He made the ablest speech, vindicating himself from every charge, showing masterful familiarity with the English laws bearing upon his case, and that he had kept within his right in preaching in New York. He overmatched the attorney as easily as he had Lord Cornbury. The jury brought in a verdict of *not guilty*, and declared that he had violated no law. The court, nevertheless, made him pay all costs, including the fees of his prosecutor, amounting in all to more than eighty-three pounds.

Immediately upon his liberation, he preached again in the church allowed to the French. His sermon was printed. Great excitement followed. Cornbury tried to have him arrested again; but he made his escape to New England. Meanwhile, after getting out of confinement

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<sup>4</sup> *A Narrative of a New and Unusual American Imprisonment of Two Presbyterian Ministers; And Prosecution of Mr. Francis Makemie, One of Them, for Preaching One Sermon in the City of New York. By a Learner of Law and Lover of Liberty; 1707. This edition was reprinted by Peter Force, Tracts, Washington, 1846. Vol. III. Another edition was printed, New York, 1755. These have reappeared in the writings of William Hill, William H. Foote, and L. P. Bowen.*

in the previous March, he had "commenced a correspondence with our Brethren of the Ministry at Boston," had secured their "sympathizing concurrence." They had written to London agents, April 1, 1707:

"Except speedy relief be obtained, the issue will be not only a vast oppression on a very worthy servant of God, but also a confusion upon the whole body of Dissenters in these colonies, where they are languishing under my Lord Cornbury's arbitrary and unaccountable government. We do therefore earnestly solicit you, that you humbly petition the Queen's Majesty on this occasion, and represent the sufferings of the Dissenters in those parts of America which are carried on in so direct violation of her Majesty's commands, of the laws of the nation, and the common rights of Englishmen."<sup>5</sup>

After his trial in New York, and escape from Cornbury, Makemie travelled to Boston in person, where he further aroused the indignation of Dissenters at such oppression as he had been afflicted with; and their opposition to its repetition in the colonies. Thence also he issued a noble letter of remonstrance to Lord Cornbury against the treatment to which he had been subjected.

Returning to Virginia, Makemie died in 1708. He had fought the battle of his age for toleration in the colonies. He had fathered Presbyterianism in this country. He had impressed his own character upon it. He was to live on in that body of Christian people of which it has been well said: "No civil state, or religious denomination south of the Hudson, or perhaps in the Union, has done more for the advance of civil liberty, or freedom of conscience, and the public welfare."

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<sup>5</sup> Hutchinson, *History of the Province of Massachusetts Bay*, 2d Edition, London, 1768, II., p. 125, quoted in C. A. Briggs, *American Presbyterianism*, p. 154.

For some years after the death of Makemie, Presbyterianism waned in Virginia. The congregations to which he had ministered in Accomac and on Elizabeth River broke up. Though there were Scotch and Scotch-Irish families scattered through the province, there was no Presbyterian colony, or congregation in all the province till that of Potomoke, about 1720, and no vigorous colony till 1732, when Joist Hite came with sixteen families and settled in the Great Valley, a few miles south of the present town of Winchester. From this time immigration into the Valley and into the region at the eastern base of the Blue Ridge was rapid. The dominating body of these immigrants was Scotch-Irish in blood, many of them almost immediately from the North of Ireland. They were of the same race with Makemie. They had had inwrought into them by the siege of Derry and by the treatment they had received at the hands of the English government since that memorable and heroic service, an increase of their love for civil and religious liberty. It has been said with truth that these Scotch-Irishmen on the frontier, "thought freedom of choice in regard to doctrines of belief, forms of worship, and ordinances of religion, and the undisputed and undisturbed exercise of this choice, confirmed to every member of society, and defended by law, made religious liberty;" and "thought freedom of person, the right of possession of property in fee simple, and an open road to civil honors, secured to the poorest and feeblest member of society, constituted civil liberty." Within a dozen years from the time of Joist Hite's settling in Opeckon, there were "congregations" of Presbyterians at points in Berkeley, Jefferson, Hardy, Rockingham, Augusta, Rockbridge, Botetourt, Charlotte, Prince Edward and Campbell.

These Presbyterians had shown a degree of caution

when invading the valley and adjacent parts. John Caldwell, who settled subsequently in Charlotte County, (and who became grandfather of John C. Calhoun, the South Carolina statesman), "on behalf of himself and many families" of the same persuasion, who were about to settle in the back parts of Virginia," waited on the Synod of Philadelphia of 1738, and desired that some members of the Synod should be "appointed to solicit their favor in behalf of our interest in that place." The Synod of Philadelphia, in 1729, in the acts by which it had adopted the Westminster Standards its own, had denied to the State all right of control over religion. The Synod complied with Mr. Caldwell's request, appointing certain of its members to wait on the Governor and Council of Virginia with a view of procuring "the favor and countenance of the government of that province to the laying a foundation of our interest in the back parts thereof. The Synod also addressed the following letter to Governor Gooch :

"To the Honorable William Gooch, Esquire, Lieutenant-Governor of the Province of Virginia, the humble address of the Presbyterian ministers convened in Synod, May 28th, 1738, etc.: May it please your Honor, we take leave to address you in behalf of a considerable number of our brethren who are meditating a settlement in the remote parts of your government, and are of the same persuasion with the Church of Scotland. We thought it our duty to acquaint your Honour with their design, and to ask your favor in allowing them the liberty of their consciences, and of worshipping God in a way agreeable to the principles of their education. Your Honour is sensible that those of our profession in Europe have been remarkable for their inviolable attachment to the Protestant succession, in the illustrious house of Hanover, and have upon all occasions manifested an unspotted fidelity to our gracious sovereign, King George, and we doubt not but these our brethren will carry the same loyal principles to the most distant settlements where their lot may be cast, which will ever influence them to the most dutiful submission to the government

which is placed over them. This we trust will recommend them to your Honour's countenance and protection, and merit the free enjoyment of their civil and religious liberties. We pray for the Divine blessing upon your person and government, and beg leave to subscribe ourselves your Honour's most humble and obedient servants." <sup>6</sup>

The Governor of Virginia was pleased to give a "favorable reply" to the Synod's representations, the substance of which is in the following letter to the Moderator of the Synod:

"Sir,—By the hands of Mr. Anderson I received an address signed by you, in the name of your brethren of the Synod of Philadelphia. And as I have been always inclined to favor the people who have lately removed from other provinces, to settle on the western side of our great mountains; so you may be assured that no interruption shall be given to any minister of your profession who shall come among them, so as they conform themselves to the rules prescribed by the act of toleration in England, by taking the oaths enjoined thereby, and registering the places of their meeting. And behave themselves peaceably toward the government. This you may please to communicate to the Synod as an answer of theirs. Your most humble servant,

"WILLIAM GOOCH.

"WILLIAMSBURG, VA., *November 4th, 1738.*" <sup>7</sup>

This letter promises in terms nothing more than what Makemie had wrested from the Virginia authorities in his day. But the promise was of great value to the Presbyterians. It pledged the local government to place no barriers between them and the enjoyment of the English Toleration Act of 1689. It was something additional to the Toleration Act, to which appeal could be made in the day of stress. Moreover, provided they could achieve a larger liberty by measures consistent with a "peaceable attitude

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<sup>6</sup> *Records of the Presbyterian Church*, p. 140.

<sup>7</sup> *Records of the Presbyterian Church*, p. 145.



toward the government," they were in no way hindered, in proceeding on this promise, from attempting to achieve this larger liberty.

Governor Gooch had been ready "to promise protection in the exercise of their religious forms," although in a colony "whose laws of uniformity were precise and enforced with rigor;" because: First, He wished them to form a frontier wall in the valley, for the Virginia eastward, against the savages. Second, Because he knew the quality of these men; and knew that they would make good citizens and soldiers. They seemed so far away, too, from the older parts of Virginia, that he had little fear of the two sections colliding on the question of religion.

With this vantage, we shall see these Scotch-Irish Presbyterians, possessed of the characteristics which had distinguished them in the old world, and in union with sympathizers east of the Blue Ridge, largely controlling the history of Virginia; "upon all questions involving the exercise of arbitrary powers" forming "a united band, withstanding the tendency of the cavaliers to bow to royal authority, and maintaining their rights with the spirit of John Knox."<sup>8</sup> We shall see them quietly putting the government into their debt by their military services, and quietly taking to themselves a larger liberty; we shall see them giving essential aid to the legal and constitutional recognition of this larger liberty.

About the time that Presbyterians had begun to pour in large numbers, into the Valley of Virginia, certain communities east of the Blue Ridge began to develop Presbyterian principles. Dissatisfied with the character of the preaching in their parish churches and profoundly stirred

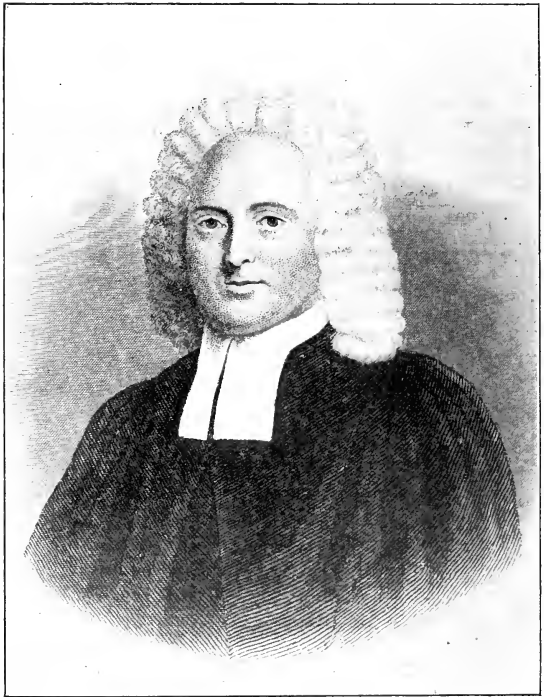
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<sup>8</sup> William Wirt Henry, *Patrick Henry, Life and Correspondence*, Vol. I., p. 75.

by the teaching of a few evangelical volumes with which they became acquainted, such as Luther's "Commentary on the Galatians," Boston's "Fourfold State," and a volume of "Whitefield's Sermons," they met together to hear these books read. They met at first in private houses; but as their numbers grew, they determined to build meeting-houses in which they might gather for *the reading*.

Absenting themselves from church, they were soon called upon by the court to assign reasons for their absence; they were subjected to fines. Asked to declare the name of the sect to which they belonged, they did not know by what name to call themselves. Recollecting that Luther was a great reformer, and that his book on the Galatians had been of special service to them, they determined to call themselves *Lutherans*. But amongst the gentlemen who travelled to Williamsburg, to interview the Governor and Council about the matter, was one who, traveling alone, was overtaken and detained by a violent storm, at the house of a poor man on the road. Interesting himself in an old volume which he found lying dust-covered on a shelf, he found his own sentiments on religious subjects set forth in appropriate language. Offering to purchase the book, the owner gave it to him. In Williamsburg he and his friends examined the book, and found that it expressed their views on religious subjects. When they appeared before the Governor; they presented this volume as containing their creed. The book was a copy of the Confession of Faith of the Presbyterian Church of Scotland. Governor Gooch, of Scotch origin and education, pronounced them Presbyterians. Beginning thus, without the agency of a minister, they were stimulated and strengthened by four days of preaching in July, 1743, by Rev. William Robinson, evangelist

of the Presbytery of New Castle. During the winter of 1744 and 1745, the Rev. John Roan was, by appointment of the Presbytery of New Castle, in Virginia, visiting the churches. He preached much in Hanover and neighboring counties, and with great effect. He gathered converts at several new centres, and freely criticised the degeneracy of the clergy in the colony of Virginia. *He* thus became an occasion of the increase of persecutions against the Hanover Presbyterians. Governor Gooch himself was aroused. He had promised to the Presbyterian colonists in the valley and on the southwestern frontier, protection. He was not unmindful of this; but he had made no promises to such as were leaving the Established Church in Hanover and becoming Presbyterians. Nor did he relish the free criticisms of the clergy by this Presbyterian preacher. The trials, fines, and other punishments for non-attendance on church and for holding their meetings, were made much more burdensome and severe. Enduring these persecutions, they were cheered by transient visits from Revs. William Tennant, Jr., and Samuel Blair, and by a visit of four or five days from Mr. Whitefield, which resulted in additions to their members. After Mr. Whitefield's departure these Presbyterians were not only without a minister, but sorely harassed by the pains and penalties of the law. A proclamation was set up, on a Sabbath day, at their meeting-house, "strictly requiring all magistrates to suppress and prohibit, as far as they lawfully could, all itinerant preachers;" the people forebore the reading that day "and consulted what was expedient to do." They were filled with joy the week ensuing, however, to learn that Samuel Davies was coming to preach amongst them, and that he had qualified himself according to law and obtained the licensing of four meeting-houses amongst them.



REV. SAMUEL DAVIES

This man, born November 3, 1723, in New Castle County, Delaware, was highly endowed with capacities for leadership. "In person he was tall, well proportioned, erect and comely; his carriage easy, graceful and dignified; his dress neat and tasteful, and his manners polished. A distinguished Virginian well expressed the impression his appearance made, who, seeing him walk through a court yard, remarked that he looked like the ambassador of some great king.<sup>9</sup> He was a most persuasive orator, having all the needed physical, mental and emotional qualities and powers. He was tactful, resourceful, strategic in planning. He is one of the great men in the history of American Presbyterianism.

His approach to Hanover, by way of Williamsburg, and armed with legal permits, shows the strategy of the man. As far as the law recognized his right, he would avail himself of its bulwarks. His first sojourn in Virginia, in 1747, was brief; but he came back in 1748 and served as pastor about eleven years. When he returned to Virginia in 1748, he brought with him his friend, John Rodgers. They went to Williamsburg with the view of obtaining a license for Mr. Rodgers. Notwithstanding the willingness of the Governor and a minority of the Council, the majority of the Council would not grant a license; were even disposed to withdraw Davies's license. In their contention the young men insisted that they "asked only for a *right*, and not a *privilege*—that the Act of Toleration was explicit in making it a right to ask, and a duty to grant, license in such cases." The narrow policy of the Council was a reflection of the spirit of the age. "Almost all the intelligent men of the colony, and among the rest

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<sup>9</sup> William Wirt Henry, *Life, Correspondence and Speeches of Patrick Henry*, Vol I., p. 13.

some who afterwards became distinguished as the champions of an unqualified freedom in every thing relating to the human mind—and even the venerable name of Pendleton, appear in the class of persecutors, a proof that liberality and toleration are not instinctive qualities, the growth of an hour; but the result of wisdom and experience.”<sup>10</sup>

Mr. Rodgers was forced to return to the Northern colonies, where he was to run a distinguished career; and Mr. Davies to go on to Hanover alone, where his eloquence and his advocacy of the rights of Dissenters was to sound out through all the colonies and into the mother country.

The desire to hear this young Dissenter, whom the majority of the Council would have silenced, preach the Gospel, could not be confined to the four localities within which Davies had preaching places. People came scores of miles to hear him, and soon expressed the desire to obtain a portion of his services for their neighborhoods for the sake of their families and neighbors. In November, 1748, on petition from the several neighborhoods, three additional places were authorized as places of worship. Of the seven authorized places for preaching, at that date, three were in Hanover, one in Henrico, one in Goochland, one in Louisa, and one in Caroline. Of these no two seem to have been closer together than twelve or fifteen miles; and some of his parishioners had to travel thirty or forty miles to reach the nearest meeting-house.

April 12, 1750, the court of New Kent County, on petition from a body of its Dissenting citizens, licensed a preaching place within its limits. This license, however, the General Court revoked. A question debated at this time between Mr. Davies and the General Court was as

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<sup>10</sup> Burke, *History of Virginia*, Vol. III., pp. 121, 122.

to how many places of preaching a Dissenting minister should have. The Attorney-General, Peyton Randolph, and certain members of the court, contended that the number should be smaller than Davies already had, rather than larger. Mr. Davies held that licensure of places and ministers, was a right to be acknowledged by the government on demand by the Dissenters themselves. He pled, too, contrary to charges made, that he was not guilty of originating dissent in Hanover, that it had sprung up without a preacher; that the desire of the people to attend his preaching should not be imputed to him as a crime, that some ministers of the Established Church, in Hanover, had two or more preaching places, owing to the extent of their parishes. That those connected with his own church were sufficiently numerous to constitute two respectable congregations, were they located in the vicinity of each other and of the places of worship; but that they were greatly scattered, the mass being in Hanover, "the others in Henrico, Goochland, Louisa, Carolina and New Kent," and at distances too great to attend at two places, except by riding thirty or forty miles;" that the intention of the Toleration Act was to give the Dissenters the privilege of worship in their own preferred way under cover of law; that unless houses were licensed in sufficient numbers to accommodate them, the intention of the Act of Toleration would be thwarted; that the Dissenters would be compelled by the court to break the laws of the province which obligate the citizen to the habit of attending the parish church; and that court could not design, by withholding license, "to compel the peaceable citizens to subject themselves to expensive and vexatious suits at law, or grieve their consciences."

The lawyers in attendance complimented Mr. Davies; the Governor and majority of the Council sustained him.

The young Dissenter gained laurels; and he rejoiced because it gave him opportunity to preach the Gospel to his fellowmen. The attorney-general, Peyton Randolph, could not be prevailed upon to put a favorable construction upon the law, and continued for years to throw obstacles in the way of the Presbyterians obtaining license for meeting-houses, especially when the petition came from neighborhoods originally settled by others than Presbyterians. A great part of Mr. Davies' labor was in counties not originally Presbyterian; and his success was reckoned by the attorney and others as the progress of dissent to the detriment of the Established Church."<sup>11</sup>

The Established clergy had become greatly excited by the degree of favor shown to the Dissenters by the General Court, small as their favor had been. They accordingly appealed to their diocesan, the Bishop of London. Mr. Davies took measures to inform dissenting ministers in England, and, through them, the Bishop of London, of the real conditions and history of the Virginia Dissenters; took measures to learn the nature of the representations made by members of the Establishment, and to see that they were rectified when appearing to him unjust. His spirit, in all this long struggle, appears in this quotation from his letter to Dr. Benjamin Avery, bearing date of May 2, 1752:

"But this, Sir, I would inform you of, that we are not asking a favor of the government, but entering a legal claim. If it be determined by competent authority, that the Act of Toleration does not allow the Dissenters to have meeting houses licensed, where they may occasionally meet for public worship, we shall quietly resign our claim, till some favorable juncture happens when we may petition for our liberties. But if we may legally make this claim; if Dissenters enjoy this privilege in England; and if the rulers there judge that the Act of Toleration entitles

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<sup>11</sup> William H. Foote, *Sketches of Virginia*, p. 171.



them to it, then we humbly conceive that the pushing the matter to a determination could be attended with no ill consequences; as we only pressed for an explication of the Act of Toleration, with reference to Virginia, according to its true intent and meaning in England. Whether the determination of such a point belongs to the lawyers, to judges, or to his Majesty and Council, you, sir, can determine; though an authoritative order from the latter would be most regarded by our rulers; and all the order we desire is this, that wherever ten or fifteen families of Protestant Dissenters, who cannot attend at the meeting-house already licensed, apply for licenses at the General Court, they shall be granted them. It has been confidently affirmed to me by some of the Council that the Dissenters in England have no such privilege. In this, sir, I request your information; for if this be the case we must resign our claims."<sup>12</sup>

From Dr. Avery he learns that by the English interpretation of the Act of Toleration, the Dissenters might "ask for the licensure of as many meeting-houses as they thought necessary without fear of refusal—and that this interpretation properly extended to Virginia"—an interpretation, however, to which the Governor and Council of Virginia were not to yield until the Dissenters had placed the colony deeply in debt for political services.

Mr. Davies meant to secure to Dissenters, as far as possible, their legal rights to the full. He expected, on a "*favorable juncture*," to move for an enlargement of their legal rights. He fully believed that the amount of toleration legally accorded dissent was far short of what was their right. Nor did he hesitate to minister to Dissenters far beyond the bounds of his legally recognized field. He made frequent missionary excursions into the territories "now included in the counties of Cumberland, Powhatan, Prince Edward, Charlotte, Campbell, Nottoway and Amelia." "In these circuits, . . . it was the habit of

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<sup>12</sup> William H. Foote, *Sketches of Virginia*, pp. 210, 211.

Mr. Davies either to preach at the places where he lodged, or to give a lecture to the family and servants, at evening worship. These services were pre-eminently blessed; many neighborhoods have traditions of their usefulness. Every visit enlarged his circuit and increased the number of places that asked for Presbyterian preaching."<sup>13</sup>

As opportunity offered, he brought in other ministers.

The fact that the peoples in whose houses he stopped on these excursions were generally Scotch-Irish, and of the Presbyterian faith by inheritance, made this more tolerable to representatives of the establishment, than if the objects of his evangelizing efforts had by inheritance belonged to the Established Church.

The circumstances of Presbyterianism farther North gave to Mr. Davies an opportunity to carry the fight in behalf of Virginia to England itself. The Rev. Gilbert Tennent and he were chosen by the trustees of the College of New Jersey to go on a mission to the British Isles, with a view to securing funds with which to set the institution on its feet. On this mission Mr. Davies spent the latter part of the year 1753, and the whole of the year 1754. Their mission in behalf of the college was successful beyond their largest expectations. They became widely and favorably known throughout England and Scotland. One of Mr. Davies' motives in accepting this distinguished mission, is revealed in these words from his journal:

"To these I may add, what has most weight with me, that the Dissenters in Virginia lie under such intolerable restraints, that it is necessary to seek a redress; that now is the only proper season for it, and that none can manage this affair as well as myself, who am concerned in it, and so well acquainted with it."

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<sup>13</sup> William H Foote, *Sketches of Virginia*, pp. 214, 215.

Again, after balancing considerations *pro* and *con*, he says:

“Then, I consider that there is so much need to make some attempt for the security and enlargement of the privileges of Dissenters in Virginia, and that if I were obliged to undertake a voyage for that end alone, at the expense of the congregation, it would be very burdensome to them and me. I cannot but conclude that it is with a view to this that Providence has directed the trustees to make application to me.”<sup>14</sup>

Mr. Davies' journal shows that the cause of the Virginia Dissenters was never absent from his mind while in the mother country, and that he used every endeavor which promised any relief. Toward the end of his visit he notes in a tone of congratulation:

“I find by conversation with Dr. Stennet, there is a prospect of obtaining licenses in the Bishop of London's court for meeting houses in Virginia.”

Mr. Davies' labors in behalf of larger liberties for his fellow dissenters could not be fruitless. His fame as a preacher had filled London and all England and Scotland. Pulpits were open to him everywhere. Immense audiences hung upon his word. It is said that King George II., when once in his audience, was so enraptured with his eloquence and his solemn and impressive manner that he repeatedly gave vent in speech, to those about him, of his feelings, that Mr. Davies was shocked at what he mistook for the king's irreverence; and that, after pausing and looking sternly in royalty's direction several times, he exclaimed: “When the lion roars, the beasts of the forest all tremble; and when King Jesus speaks, the princes of the earth should keep silence,” and that thus he increased the king's admiration for himself. Certainly he

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<sup>14</sup> See entry in Journal under date of July 2, 1753.

was too impressive a character for his apologies for Virginia Dissenters to fall unheeded.

Davies came back from England confirmed in the view that the General Court in Virginia had no right to limit the number of houses for public worship to be allowed Dissenters under the English Toleration Act; no right to specify the persons to speak in particular meeting-houses. He held that, as far as the law is concerned, any licensed preacher can speak in any licensed house, and that whoever pleases to do so, can demand the registering of their house as a place of meeting. As the General Court persisted in its opposition, the Committee of the Deputation of Protestant Dissenters resolved in February, 1755, to bring the subject before the king in council by appeal from the prosecution of the authorities in Virginia. They fixed on the following plan: The Virginia Dissenters, when they desired a new place of worship, were to apply first to the County Court for license thereof; if refused there, then to apply to the Governor and Council; if refused there, then to apply to the Governor alone for a license. In case of his refusal, they were to use such house or place of worship, as if it had been licensed; and, if prosecuted for doing so, were to acquaint the Committee therewith, who would then send further directions how to act. Mr. Davies received a secret instruction, also, that if any persons should be prosecuted for using such unlicensed houses, after such applications as directed had been made, that then such persons should appeal to the king in Council, whereupon the Committee would prosecute the appeal.

No appeal ever went to England. Religious prejudices of long standing are hard to move; and the incrustations which Mr. Davies hoped to break up by English governmental levers, were to be blown to pieces by volcanic outbursts during great providential upheavals; on occasion

of which Dissenters would struggle into their rights. The opposition to Presbyterian Dissenters was greatly lessened during the French-Indian War.

Mr. Davies had no sooner landed in Virginia again, than he found himself in a country in which he could open his mouth wherever he listed.

England and France had entered upon the contest which was to decide the fate of this country. France had been successful in securing as allies a great number of the Indian tribes. The Indians had begun to fall upon the settlers all along the Virginia frontier. Consternation had seized upon the colonists west of the Blue Ridge, and in a less degree upon those east of that great divide. The Provincial Legislature appointed the 5th of March, 1755, as a day for fasting and prayer to Almighty God. Mr. Davies preached on that day, from Daniel iv. 25: "The Most High ruleth the kingdom of men, and giveth it to whomsoever he will."—a Christian and patriotic address. July 20th, 1755, after Braddock's defeat and the consequent Indian activities, Mr. Davies preached in Hanover on Isaiah xxii. 12-14: "And in that day did the Lord of hosts call to weeping and mourning and to boldness, and to girding with sackcloth; and behold joy and gladness, slaying oxen and killing sheep, eating flesh and drinking wine; let us eat and drink, for to-morrow we die." On the first news of the defeat and the approach of the enemy, the most exposed families had forsaken their dwellings, and many had proposed to abandon all the frontiers and to return to the more populous centres of the province. After lamenting the sins that had occasioned these sufferings, Mr. Davies proceeds:

"Let me earnestly recommend it to you to furnish yourselves with arms and put yourselves in a posture of defence. . . . . What is that religion good for that leaves men cowards on the

appearance of danger. And, permit me to say that I am particularly solicitous that you, my brethren of the Dissenters, should act with honor and spirit at this juncture, as it becomes loyal subjects, lovers of your country and courageous Christians. That is a mean, sordid, cowardly soul, that would abandon his country, and shift for his own little self, when there is any probability of defending it. To give the greater weight to what I say, I may take the liberty to tell you, I have as little personal interest, as little to lose in this colony as most of you. If I consulted either my safety or my temporal interest, I should soon remove my family to Great Britain, or the Northern Colonies, where I have received very inviting offers. Nature has not formed me for a military life, nor furnished me with any degree of fortitude and courage; and yet I must declare, that, after the most calm and impartial deliberation, I am determined not to leave my country while there is any prospect of defending it. Certainly he does not deserve a place in any country who is ready to run from it on every appearance of danger. . . . The event of the war is yet uncertain; but let us determine that if the cause should require it, we will courageously leave house and home and take the field."<sup>15</sup>

In connection with a sermon preached, August 17, 1755, to the first independent volunteer company raised in Virginia after Braddock's defeat, Mr. Davies pronounced these remarkable words: "I may point out to the public that heroic youth, Colonel Washington, whom I cannot but hope Providence has hitherto preserved in so signal a manner for some important service."<sup>16</sup> His text for this sermon was 2 Samuel x. 12: "Be of good courage, and let us play the man for our people, and for the cities of our God; and the Lord do that which seemeth him good."

Meanwhile the religious activities of Mr. Davies never ceased. He was also introducing other workers. In the course of this summer of 1755, Mr. Robert Henry was installed pastor of Cub Creek in Charlotte County, and

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<sup>15</sup> *Davies' Sermons*, Vol. III., pp. 236-238.

<sup>16</sup> *Davies' Sermons*, Vol. III., pp. 41, ff.

Briery in Prince Edward County; and Mr. John Wright was installed pastor of the church in Cumberland county. In December, 1755, Hanover Presbytery was organized. It consisted of six ministers. Of these Messrs. Todd, Henry and Wright had been brought into their pastorates through the influence of Mr. Davies, and now occupied portions of the territory over which he had repeatedly toured. This increase of ministers took away a pretext for not licensing more meeting-houses. Nevertheless, the Council, under the lead of Attorney-General Peyton Randolph, continued its opposition to the licensing of new places.

Providence, as has appeared, was on the side of the Dissenters, however; and in process of forcing upon the unwilling Council a sense of the necessity of letting Presbyterian Dissenters alone. The French and Indian War was wasting the spirit and resources of the colony. In the spring of 1758 Mr. Davies was once more called upon to stir the citizens of Hanover to "becoming action." His war sermons seem to have been irresistible. Into the disheartened and terrorized he infused courage and martial fire. The following passage from the sermon at the general muster in Hanover County, May 8, 1758, is credited with having made more volunteers in a few minutes than the ranking officer was authorized to command.

"May I not reasonably insist upon it that the company be made up this very day before we leave this place. Methinks your King, your country, nay! your own interest command me and therefore I insist upon it. Oh! for the all-pervading force of Demosthenes' oratory—but I recall my wish that I may correct it—Oh! for the influence of the Lord of Armies, the God of battles, the Author of true courage, and every heroic virtue, to fire you into patriots and true soldiers at this moment! Ye young and hardy men, whose very faces seem to speak that God and Nature formed you for soldiers, who are free from the encumbrance of families de-

pendent on you for subsistence, and who are, perhaps, of but little service to society while at home, may I not speak for you and declare at your mouth. Here we are all ready to abandon our ease and rush into the glorious dangers of the fields, in defence of our country? Ye that love your country, enlist: for honor will follow you in life or death in such a cause. You that love your religion, enlist: for your religion is in danger. Can Protestant Christianity expect quarter from heathen savages and French Papists? Surely in such an alliance the powers of hell make a third party. Ye that love your friends and relations, enlist, lest ye see them enslaved and butchered before your eyes.”<sup>17</sup>

Under such circumstances Mr. Davies found it practicable for him to perform his ministerial services “wherever duty and convenience invited him. The attorney-general could scarcely venture to throw impediments in the path of the best recruiting officer in the province.”<sup>18</sup>

Other Presbyterian ministers and communities, deprecating the expense and labor of a long journey to Williamsburg, to obtain a license for a new place of worship, went to using the desired places without licenses; and were unmolested. This was true of Mr. Wright, of Cumberland, and of Valley Presbyterians.

In the summer of 1758 Mr. Davies was elected president of the college in New Jersey. After submitting the matter to his Presbytery and to the Synod of New York and Philadelphia, he entered upon the office of president at Princeton in September, 1759.

“To no one man, in a religious point of view, does the State owe as much; no one can claim a more affectionate remembrance by Christian people. His residence in the State is an era in its history. To Virginia we look for the record and fruits of his labors. The Virginia Synod claims

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<sup>17</sup> *Davies' Sermons*, Vol. III., p. 91.

<sup>18</sup> William H. Foote, *Sketches of Virginia*, p. 296.



him as her spiritual father; and the Virginia creed in politics acknowledges his principles of religious freedom and civil liberty. His influence on politics was indirect, but not the less sure. The sole supremacy of Christ in the church—the authority of the Word of God—the equality of the ministers of religion—and individual rights of conscience—principles for which he pleaded before the General Court, and in the defence of which he encountered such men as Pendleton, Wythe, Randolph, and the whole host of the aristocracy, are now part and parcel of the religious and political creed of an overwhelming majority of the citizens of the *'Ancient Dominion.'* He demonstrated the capability of the Church of Christ to sustain itself, not only without the fostering aid of the State, but under its oppressive laws. He showed the patriotism of true religion; and in defending the principles of Presbyterianism, he maintained what Virginia now believes to be the inalienable rights of man.

The time of Mr. Davies' labors in Virginia embraced that interesting part of Patrick Henry's life, from his eleventh to his twenty-second year."<sup>19</sup>

"It was under the influence of such a man that Patrick Henry came at the impressionable age of twelve. One of the places at which Mr. Davies preached was known as *'The Fork Church,'* and here Mrs. John Henry, who became a member of his church, attended regularly. She was in the habit of riding in a double gig, taking with her young Patrick, who, from the first, showed a high appreciation of the preacher. Returning from church she would make him give the text and a recapitulation of the discourse. She could have done her son no greater service. His sympathetic genius was not only aroused by

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<sup>19</sup> William H. Foote, *Sketches of Virginia*, pp. 304 to 305.

the eloquence of the preacher, who, he ever declared, was 'the greatest orator he ever heard,' but he learned from him that robust system of theology which is known as Calvinism, and which has furnished to the world so many of her greatest characters—a system of which Froude writes: 'It has been able to inspire and sustain the bravest efforts ever made by man to break the yoke of unjust authority, . . . has borne ever an inflexible front to illusion and mendacity, and has preferred rather to be ground to powder, like flint, than to bend before violence, or melt under enervating temptations.'

"Although Mr. Whitefield visited Hanover during one of his American tours, it is probable that Patrick Henry was too young to have appreciated him, and he had reached manhood before James Waddell, the eloquent blind preacher, entered the ministry. His early example of eloquence, therefore, was Mr. Davies, and the effect of his teaching upon his after life may be plainly traced. Although he never withdrew from the Episcopal Church, in which he was baptized, he became a persistent advocate of religious liberty. Colonel Meredith says of him: "He was, through life, a warm friend of the Christian religion. He was an Episcopalian, but very friendly to all sects, particularly to Presbyterians. His father was an Episcopalian; his mother a Presbyterian.'"<sup>20</sup>

Providence often works slowly toward great ends. Through Francis Makemie in Virginia, Maryland and New York, somewhat in the direction of religious liberty had been achieved. Through the efforts of Mr. Davies and his co-laborers, who repeatedly pleaded before the

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<sup>20</sup> William Wirt Henry, *Life, Correspondence and Speeches of Patrick Henry*, Vol. I., pp. 15-16.

Governor and Council, somewhat further was gained toward freedom of conscience. Still, meeting-houses could not be occupied without permission; and this was reluctantly and very slowly granted, generally one at a time only. The opinion of the attorney-general of England, favoring the Virginia Dissenters, though without practical effect, at the time, upon the General Court, wrought in the same direction. The sympathies of English Dissenters, excited by Mr. Davies on his visit, sent him back equipped with the best devices at their command. All these efforts were worth while, since the end to be accomplished was so worthy.

If Providence works slowly, He works surely; He uses more than one kind of instrumentality. He makes things work together for the accomplishment of His pleasure. It has been seen that when Mr. Davies returned from England, he found the whole frontier of Virginia in distress; and the whole colony alarmed lest there should be a French and Indian invasion from the Ohio eastward. It has been seen that, during this French-Indian War, when the Dissenters beyond the Blue Ridge (chiefly Presbyterian) were at once bearing the brunt of Indian atrocities and standing as a wall between such atrocities and the older portions of the colony, they chose houses for worship and occupied them without license or molestation—"preached anywhere, being so distant from the metropolis and the time being so dangerous and shocking. Thus, fire and sword, tomahawk and scalping knife, aided the cause of liberty and conscience."

Providence used at this time for the furtherance of religious liberty, negative causes as well as positive. Amongst these, one of the chiefest was the character of the Established clergy and the course these gentlemen pursued with reference to their salaries. The character

of the clergy of the Establishment in Virginia was not such as begat a love for the Established Church. Dr. Hawks, quoting from Bland's letter, teaches: "That the salary appointed by law for the clergy is so scanty that it is with difficulty they support themselves and families, and can by no means make any provision for their widows and children, who are generally left to the charity of their friends, that the small encouragement given the clergymen is a reason why so few come into this colony from the two universities; and that so many, who are a disgrace to the ministry, find opportunity to fill the parishes."<sup>21</sup> He says again: "While among the clergy were some who were above just suspicion of reproach, it must be owned that, as a body, they were anything but invulnerable."

In 1696, the colonial legislature enacted that each parish minister should "have and receive for his maintenance, the sum of sixteen thousand pounds of tobacco, besides his lawful pre-requisites, and that it" should and might "be lawful for the vestry, etc., to levy the same in their respective parishes." The legislature of 1749 made it a law that the glebe lands should contain about two hundred acres of "a good and convenient tract of land," with "proper dwelling and out-houses; that the salary should be sixteen thousand pounds of tobacco," with an allowance of "four per cent. for shrinkage." It provided also that "every minister received into any parish as aforesaid," should "be entitled to all the spiritual and temporal benefits of his parish," and "might maintain an action of trespass against any person whatsoever who should disturb him in the possession and enjoyment thereof." In

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<sup>21</sup> F. L. Hawkes, *Contributions to the Ecclesiastical History of the United States of America—Virginia*, Vol. I., p. 117.

1755 the clergy of the Establishment petitioned for an increase of salary. The time was not favorable to the increase. The French-Indian War was beginning. The summer of 1755 was one of severe drought. In October, 1755, the House of Burgesses, seeing that it would be impossible for the planters to discharge their tobacco debts in kind, passed an act, to continue in force for ten months, making it lawful for debtors to pay their tobacco dues and taxes in money, at the rate of sixteen shillings and eight pence for every hundred pounds of tobacco, at the rate of two pence per pound,<sup>22</sup> which was the usual price when the crops were fair.

“This act, the necessity of which was so obvious, was very generally acquiesced in by creditors. As it was an effort to regulate a fluctuating currency by one acknowledged to be the standard, and only directed the value to be placed on that which had fluctuated, which was, in the minds of the parties to the contracts involved, and of the legislature when the public taxes were laid, it must be admitted to have been right and proper. The same principle was applied in settling debts in the United States, in France, and in the late Confederate States, upon the failure of their revolutionary currencies. Debtors were allowed to pay their debts contracted with reference to the collapsed paper money as a standard of value in the equivalent value in specie.”<sup>23</sup>

The clergy were somewhat divided as to the proper course to take with reference to this act; but in convention, the majority determined that it belonged to them to share the misfortunes of their people.

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<sup>22</sup> Henning's *Statutes at Large*. Vol. VI., pp. 568, 569.

<sup>23</sup> William Wirt Henry, *Life, Correspondence and Speeches of Patrick Henry*, Vol. I., p. 31.

In 1758, the season was again bad, the tobacco crop failed; and an act similar to that of 1755 was passed, to continue in force for one year.<sup>24</sup>

This time the clergy complained loudly, since the market price of tobacco rose to thrice that which they received. Although the law was universal in its effects, the clergy were the only class that resisted its operation. In convention they determined to appeal to the king. The Rev. John Camm was sent to England with a petition for the veto of the act. "He obtained an order of Council to this effect, dated August 10, 1759, and was told by the Lords of Trade and the Privy Council that this would render the act void, *ab initio*." Neither the act of 1755, nor that of 1758, had the usual clause, suspending its operation until the king's sanction should be obtained. The Council denounced them as usurpation. Thereupon the clergy began suits in the civil courts to recover damages.

The question between the clergy on the one hand, and the Burgesses and people of Virginia on the other, was a twofold one. Are the acts of 1755 and 1758 morally justifiable? a question already discussed; and, can an act of the colonial legislature be considered in force between its date and the disapproval of the king.

One of the best of the clergy to bring suit was Rev. James Maury, of Louisa County. The proceedings to the date of the jury trial had gone in Mr. Maury's favor. Providence brought forward, in a young man on whom Samuel Davies had put his stamp, an advocate of the rights of the people adequate to the occasion.

Having stated the issues involved in the case, Mr. Henry entered upon a discussion of the mutual relations

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<sup>24</sup> Henning's *Statutes at Large*, Vol. VII., pp. 249-250.

and reciprocal duties of the king and his subjects. "He maintained that government was a conditional compact, composed of mutual and dependent covenants, the king stipulating protection on the one hand, and the people stipulating obedience and support on the other. He declared that a violation of these covenants by either party discharged the other from obligation. He claimed that in the colonial government the Burgesses represented the House of Commons, the Council the House of Lords, and the Governor the king, and that a law approved by these should be deemed valid until it was disallowed. He then took up the act of 1758, and discussed its provisions, and the necessities of the people which caused its enactment. He contended that it had every characteristic of a good law, that it was a law of general utility, and could not be annulled consistently with the compact between the king and the people; that the disallowance by the king of this salutary act was an instance of misrule, and neglect of the interests of the colony, which made it necessary that they should provide for their own safety by adhering to the directions of the act; and that by this conduct the king, from being the father of his people, had degenerated into a tyrant, and forfeited all right to his subjects' obedience to his order regarding it. At this point Mr. Lyons cried out with warmth: 'The gentleman has spoken treason, and I am astonished that your worships can hear it without emotion, or any mark of dissatisfaction.' At the same instant, among some gentlemen behind the bar there was a confused murmur of 'Treason! Treason!' Mr. Henry paid no attention to the interruption, but continued in the same strain, without receiving any sign of disapprobation from the bench, which sat spell-bound by his eloquence, while some of the jury nodded their approbation. Passing from this topic, the speaker next dis-

cussed the relations of the clergy to the people. He contended that the only use of an Established Church and clergy in society is to enforce obedience to civil sanctions, and the observance of those which are called duties of imperfect obligation; that when a clergy cease to answer these ends, the community have no further need of their ministry, and may justly strip them of their appointments; that the clergy of Virginia, in this particular instance of their refusing to acquiesce in the law in question, so far from answering, had most notoriously counteracted those great ends of their institution; that therefore, instead of useful members of the State, they ought to be considered as enemies of the community; and that in the case now before them, Mr. Maury, instead of countenance and protection and damages, very justly deserved to be punished with signal severity. While discussing this part of his subject, he said, as Captain Trevilian relates:

“We have heard a great deal about the benevolence and holy zeal of our reverend clergy, but how is this manifested? Do they manifest their zeal in the cause of religion and humanity by practicing the mild and benevolent precepts of the Gospel of Jesus? Do they feed the hungry and clothe the naked? Oh, no, gentlemen! Instead of feeding the hungry and clothing the naked, these rapacious harpies would, were their powers equal to their will, snatch from the hearth of their honest parishoner his last hoe-cake, from the widow and her orphan children their last milch cow! the last bed, nay! the last blanket from the lying-in woman!”

“These words, uttered with all the power of the orator, aroused in the audience an intense feeling against the clergy, which became so apparent as to cause the reverend gentlemen to leave their seats on the bench and to quit the court-house in dismay.

“The speaker, continuing, described the bondage of a



people, who were denied the privilege of enacting their own laws, and told the jury that, unless they were disposed to rivet the chains of bondage on their necks, he hoped they would not let slip the opportunity, which was now offered, of making such an example of the plaintiff, as might hereafter be a warning to himself and to his brethren not to dispute the validity of such laws, authenticated by the only authority which, in his conception, could give force to laws for the government of the colony, the authority of a House of Burgesses, of a council, and of a kind, benevolent and patriotic governor. He added that, under the ruling of the court, they must find for the plaintiff, but they need not find more than one farthing, and that this would accomplish all that the defence desired."<sup>25</sup>

No other case was brought to trial. In Mr. Maury the clergy had one of their worthiest representatives. It was for the good of liberty that the case was tried in Hanover, where dissent was strong, and that the cause of the people had as its advocate a man who had contrasted the dignity and worth of dissent as embodied in Davies with the character of many of the clergy entrenched in the Establishment; and who had caught the great preacher's way of reasoning from fundamental principles. The struggle over the parsons' salaries witnessed the alienation of the people from the clergy. Bitter pamphleteering had been indulged in on both sides. The character of the clergy had been so presented that they could maintain no dominancy any longer. The people, the legislature, waited only for a fitting occasion to take away their legal power. The rights of the people were connected in current thought with dissent, and Presbyterian dissent.

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<sup>25</sup> William Wirt Henry, *Life, Correspondence and Speeches of Patrick Henry*, pp. 40-42.

Amongst important agents used of Providence in bringing about religious freedom were the Baptists. The Baptists were a feeble folk in the American colonies for the first century and a half. "In 1770, so far as is known, the Baptists numbered 77 churches, with about 5,000 members in the colonies." In 1743, a few regular Baptist families had settled in Berkeley County, and founded a church, which spread in the valley and east of the Blue Ridge, till, by 1770, they had churches scattered through the Northern Neck of Virginia, north of Fredericksburg. As early as the year 1758 Separate Baptists had made a permanent lodgment in Pittsylvania, where Samuel Harris, of that county, was converted. About the year 1766 he went through the counties on the north side of the James River. November 20, 1767, he assisted in forming the church of Upper Spottsylvania. From that date the Baptists spread rapidly between the Blue Ridge and the Bay Shore. They were an off-shoot of the "New Lights." Their enthusiasm, their evangelism, their propagandism, their criticisms of the established clergy, and their being new, made them popular with the masses, whilst these qualities, together with their general neglect of getting permits from the government for their ministers and licenses for their meeting-houses, of which Presbyterians had grown negligent ten years before, brought upon them bitter persecutions at the hands of friends of the Establishment. They were subjected to various kinds of persecutions. Their preachers were jailed repeatedly in various counties; and by their zeal and constancy, gave occasion to the advocates of human rights to voice the truth. The records show that the powerful advocacy of Mr. Henry was more than once successfully invoked to defend those imprisoned for the heinous charge of wor-

shipping God according to the dictates of their own consciences."<sup>26</sup>

During these sixth and seventh decades, the Baptist people were illustrating an important principle of true Christian economy. They were winning the world by missionary effort, undeterred by persecutions. They were also giving voice to their sense of the injustice of their persecutions. In the next period they will rain-in petitions to the colonial or State legislature, first for larger toleration,<sup>27</sup> afterwards for religious liberty of the fullest sort. They will take a noble part in the Revolutionary movements, looking to civil liberty, and, in consequence, become more efficient advocates of the coveted religious liberty.

Such were some of the forces marshalled by Providence in the cause of religious liberty.

The Presbyterian factor had been at work since the days of Makemie. He passed away, but his influence was abiding. Organized Presbyterianism made its way back into Virginia; and its influence was felt. In the time of Davies and the French-Indian War, Presbyterians shook off many fetters from their own limbs and made the like, thereby, easier for others. By patriotic services to the colony, they struck blows of vast effectiveness, making for religious liberty. Thenceforth, if the General Court still claimed the prerogative of granting papers of qualification to dissenting ministers, and licenses for preaching places, such permits were to be had for the asking. The Baptists, springing up, were used in similar fashion, to

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<sup>26</sup> William Wirt Henry, *Life, Correspondence and Speeches of Patrick Henry*, Vol. I., p. 119.

<sup>27</sup> Charles F. James, *The Struggle for Religious Liberty in Virginia*, p. 32, quotation from the Journal of the House of Burgesses of May 26, 1770.

the same end. He who maketh the wrath of man to praise Him, turned the baseness of a portion of the clergy of the Establishment, and the Parsons' Cause into an occasion of forwarding the cause of religious liberty. He raised up a man of destiny, trained him through a Presbyterian mother and a Presbyterian minister, to be the peerless advocate of the people's rights against the tyranny of arbitrary power, in State and in Church; trained him for the defense of the rights of Baptist dissent before the civil courts; and provoked him to the actual defense by the sufferings of the Baptists—provoked him to re-announce principles as old as Christianity, formally held by all Protestants since the Reformation, and which the major part of Virginians would be ready ere long to put into practice.

By such concurrence of forces, Providence was about to introduce Virginians to a new stage of Christian civilization.

## CHAPTER IV.

PROGRESS INTO RELIGIOUS LIBERTY DURING THE REVOLUTIONARY PERIOD.—1763 to 1791.

**T**HE conclusion of the French-Indian War, in the Peace of Paris, gave Great Britain an opportunity to enforce vigorously the system of repression and taxation which her ministers thought necessary in dealing with the independent colonists. Early in 1764, Parliament voted that they had a *right* to tax the American colonies, though the colonies were not represented. This was followed by a number of acts of indirect taxation. In March, 1765, Parliament passed the Stamp Act, which required the use of stamped paper for legal documents, pamphlets, and newspapers throughout the colonies. The news was received in America with fear and indignation. For some reason or other, fear, most probably, the colonial legislatures were slow to make decided opposition. In the Virginia Legislature the leaders were disposed to submit. They had joined with the colonies in their earnest protest against its passage, prior to the enactment. They had done their utmost. Mr. Patrick Henry had just been elected to the House. His sagacity convinced him "that submission to the act would be fatal to the liberties of the colonies; and that a bold move might have the effect of uniting the people in a determined opposition to its execution." Seeing the men of weight averse to opposition, and the commencement of the tax at hand, and that no other man was likely to step forth, he "determined to

venture alone, unadvised, and unassisted." On a blank leaf of an old law book, he wrote his famous *Resolutions Against the Stamp Act*, May 30, 1765:

"*Resolved*, That the first adventurers and settlers of this, his Majesty's colony and dominion, brought with them, and transmitted to their posterity, and all other his Majesty's subjects, since inhabiting in this, his Majesty's said colony, all the privileges, franchises, and immunities, that have at any time been held, enjoyed, and possessed by the people of Great Britain.

"*Resolved*, That by two royal charters, granted by King James the First, the colonists, aforesaid, are declared entitled to all the privileges, liberties and immunities, of citizens and natural-born subjects, to all intents and purposes, as if they had been abiding and born within the realm of England.

"*Resolved*, That the taxation of the people by themselves, or by persons chosen by themselves to represent them, who can only know what taxes the people are able to bear, and the easiest mode of raising them, and are equally affected by such taxes themselves, is the distinguishing characteristic of British freedom, and without which the ancient constitution cannot subsist.

"*Resolved*, That his Majesty's liege people of this most ancient colony have uninterruptedly enjoyed the right of being thus governed by their own assembly in the article of their taxes and internal police, and that the same hath never been forfeited, or any other way given up, but hath been constantly recognized by the king and people of Great Britain.

"*Resolved*, Therefore, That the General Assembly of this colony have the sole right and power to lay taxes and impositions upon the inhabitants of this colony; and that every attempt to vest such power in any person or persons whatsoever, other than the General Assembly aforesaid, has a manifest tendency to destroy British as well as American freedom."

Showing them to Messrs. George Johnston, of Fairfax, and John Fleming, of Cumberland, and getting promise of their support, he moved them. Mr. Johnston seconded them. They were opposed by Messrs. Randolph, Bland, Pendleton, Wythe and all the old members, whose influence till now had been unbroken. "But torrents of sub-

lime eloquence from Henry, backed by the solid reasoning of Johnston, prevailed," and the resolutions were passed by a small majority. This son of a Presbyterian mother, with the impress of Davies upon him, won this great victory by the aid of Presbyterians. "Mr. Jefferson, in after years, said that the members from the upper counties invariably supported Mr. Henry in his revolutionary measures, and there can be no doubt they did so on this occasion, and that to the Scotch-Irish and Huguenot members he was indebted for his triumph."<sup>1</sup>

The Stamp Act and Mr. Henry's opposition made the Revolutionary War inevitable, through which the establishment of religious liberty was made practicable.

Meanwhile Presbyterianism continued to diffuse its influence in Virginia, under the protection of a generous interpretation of the Act of Toleration. Presbyterians were now so numerous, their ministers of such respectability, and their patriotic temper and services so valuable, that they were persecuted at most only with tongue and pen.

This species of persecution fell particularly to the lot of such ministers as did missionary work within the sphere hitherto dominated by the Episcopal Church. The Rev. James Waddell, in Lancaster and Northumberland Counties, was one of those who suffered most severely. He was singularly well-fitted, too, to vindicate the rights of his party before the bar of reason and justice. Virginia Presbyterians grew in intellectual grasp of the whole question of religious rights. "Truth is like a torch—the more it's shook it shines."

They profitted not only by virtue of their own local

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<sup>1</sup> William Wirt Henry, *Life, Correspondence and Speeches of Patrick Henry*, Vol. I., p. 87.

agitations, but by the discussions going on in their church at large, and particularly by that in the colony of New York. There Presbyterianism was ancient, its rights clear, and those rights maintained with distinguished ability.

“During the quarter of a century immediately preceding the Revolution, a discussion of the whole subject of religious rights, important for its effect upon the popular mind, as well as for the ability displayed in its prosecution, was conducted through the public press by leading men of the Presbyterian Church in New York. Three of these were eminent lawyers. A fourth was the young pastor of the Wall Street Church, Alexander Cumming, whose appeals and cogent arguments contributed not a little to the force and weight of the pamphlet and newspaper publications of the day. But the names of his parishioners, William Smith, William Livingston, John Morin Scott, are better known in connection with this debate. The battle for religious liberty was well fought, at a time when the great struggle for civil freedom was beginning, by ‘the Presbyterian lawyers’ of New York; and not only for their own religious communion, but equally for other Christian bodies. It is certainly to the credit of these advocates of the rights of conscience, that representing a church which, in Great Britain, was a church by law established—one of the two communions in alliance with the State, the National Church of Scotland—they pleaded the common cause of Protestant denominations not conforming to the Church of England. By the prominent part they took in this discussion, as well as by their activity in the political discussions of the day, Livingston and his associates incurred suspicion and odium as dangerous men. But their arguments and appeals carried the judgment and the sympathies of the



people. The partisans of the Church establishment were no match for the men who stood forth in defence of the rights of conscience and the freedom of the land from an oppressive ecclesiastical rule."<sup>2</sup>

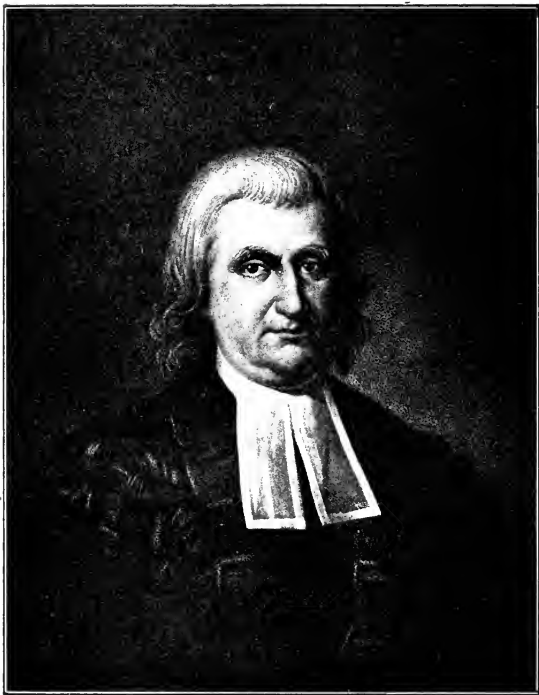
Virginia Presbyterians, about this time, were receiving further fitting for their fight, from *Princeton College*, and particularly from its head, Dr. John Witherspoon. He was training men who would lead them to victory—Caleb Wallace, Samuel Stanhope Smith, John Blair Smith, William Graham, Henry Lee and James Madison. Dr. Witherspoon had vastly improved the curriculum of the institution over which he presided. "Among the important reforms he introduced into the system of studies, were an enlargement of the mathematical course, a special attention to metaphysical science, which had recently made such marked advances under the lead of the great minds of his own country (Scotland), an extension of the course of moral philosophy, so as to embrace the general principles of public law and politics, a course of history, and regular instruction practical and theoretic, in the canons of criticism and taste, and the art of literary composition."<sup>3</sup> He was possessed of a strong sympathy and attachment to popular rights, "nurtured in the contests he had waged against the claims of privilege and patronage in his mother church; a practical wisdom and talent for affairs acquired by the experience of life; and a purity, manliness and conscientious courage and energy, all his own."<sup>4</sup>

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<sup>2</sup> C. W. Baird, *Civil Status of Presbyterians in the Province of New York*, in *Mag. Amer. Hist.*, 1879, pp. 620-21, quoted in C. A. Briggs, *American Presbyterianism*, pp. 341-2.

<sup>3</sup> William C. Rives, *Life and Times of James Madison*, Vol. I., p. 17.

<sup>4</sup> William C. Rives, *Id.*, I., pp. 16, 17.



REV. JOHN WITHERSPOON

It was natural that such a man should put his impress on his pupils. This he did; but James Madison is said to have been "the pupil upon whom, more than upon any other, he seems to have impressed the distinctive characteristics of his own mind; for no intelligent reader, acquainted with their works, can fail to remark how much the same clearness of analytical reasoning, the same lucid order, the same precision and comprehensiveness combined, the same persuasive majesty of truth and conviction clothed in a terse and felicitous diction, shine forth in the productions, whether written or spoken, of both. Such intellectual affinities, joined to moral worth, could not but form a strong bond of friendship, and of mutual confidence, attachment, and respect between them. . . .

"Dr. Witherspoon continued to feel a lively interest in the studies and pursuits of his pupil, after the formal connection of the latter with the college was terminated. Young Madison, appreciating at its just value the aid of so enlightened a guide and counsellor, and desiring also to avail himself of the riches of the college library, determined after his graduation, to pass one more year at Princeton as a private student. The preceptor and the pupil were destined to meet again, after a lapse of nine years, in the supreme councils of the country, as co-workers in the great cause of national independence and national union."<sup>5</sup>

The services of Princeton to Virginia Presbyterians in training these leaders was incalculable.

This attitude of Presbyterians in Virginia, the spread of the Baptists, in spite of all the persecutions with which they were afflicted, the growth of dissent in its various

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<sup>5</sup> William C. Rives, *Life and Times of Madison*, Vol. I., pp. 24-26.

forms, until a large portion of the inhabitants had become dissenters, forced upon the attention of a still reluctant legislature the duty of relieving those who disagreed with the forms and creed of the Church of England. "In the years immediately preceding the War of the Revolution, the majority of the legislature were for toleration in its restricted sense—an established church, with freedom from legal disabilities to Dissenters. This was some advance upon the ideas of toleration in the times of Davies; but very far from the demands of those who were called Dissenters, two branches of whom contended that the true meaning of toleration was an equality of privilege and protection to all denominations, by the civil powers."<sup>6</sup>

To appease the agitated community, a bill was prepared in 1772, recognizing certain privileges of Dissenters. The Assembly had the bill printed and circulated, that the sense of the people might be had. The Presbyterians narrowly scanned it. Hanover Presbytery, sitting at Rockfish meeting-house, October 15, 1773, "took the bill of toleration into consideration," and appointed a committee to attend the legislature and advocate their rights. No laws were passed, however, at the ensuing term of the legislature, owing to the disagreement between the Governor and the Assembly. November 2, 1774, the Presbytery met in special session at the house of Colonel William Cabell, of Amherst, to remonstrate against the bill. Their paper of remonstrance betrayed great ability and "advance in the popular apprehension of free institutions."<sup>7</sup>

The full text of the document is:

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<sup>6</sup> William H. Foote, *Sketches of Virginia*, p. 320.

<sup>7</sup> William Wirt Henry, *Id.*, Vol. I., pp. 309-10.

*“To the Honorable the Speaker and the Gentlemen of the House of Burgesses:*

“The petition of the Presbytery of Hanover, in behalf of themselves, and all the Presbyterians in Virginia in particular, and all Protestant dissenters in general, humbly sheweth, That upon application made by the Rev. Mr James Anderson in behalf of the Synod of Philadelphia, the Honorable Governor Gooch, with the advice of the Council, did in the year 1738, or about that time, for the encouragement of all Presbyterians who might incline to settle in the colonies, grant an instrument of writing under the seal of the colony, containing the most ample assurances that they should enjoy the full and free exercise of their religion, and all the other privileges of good subjects. Relying upon this express stipulation, as well as upon the justice and catholic spirit of the whole legislative body, several thousand families of Presbyterians have removed from the Northern provinces into the frontiers of this colony, exposed themselves to a cruel and savage enemy, and all the other toils and dangers of settling a new country, and soon became a barrier to the former inhabitants who were settled in the more commodious parts of the colony. Ever since that time we have been considered and treated upon an equal footing with our fellow subjects, nor have our ministers or people been restricted in their religious privileges by any law of the colony. Your humble petitioners further show, that with gratitude they acknowledge the catholic design of our late honorable Assembly to secure by law the religious liberties of all Protestant dissenters in the colony; accordingly they did, in the year 1772, prepare and print a Toleration Bill, but as the subject was deeply interesting, it was generously left open for amendment. But, notwithstanding, we are fully persuaded of the catholic and generous design of our late representatives; yet we are deeply sensible that some things in the above named bill will be very grievous and burdensome to us if passed into a law. Therefore we humbly and earnestly pray that the said bill may not be established without such alterations and amendments as will render it more agreeable to the principles of impartial liberty and sound policy, which we presume were the valuable ends for which it was first intended. Therefore we humbly beg leave, while we are making the prayer of our petition in a more particular way, to lay before this honorable house in the most respectful manner a few remarks upon the bill.

“The preamble is agreeable to what we desire, only we pray that the preamble and every other part of the bill may be so expressed as will be most likely to obtain the royal assent.

“We are also willing that all our clergymen should be required to take the oaths of allegiance, etc., usually taken by civil officers, and to declare their belief of the Holy Scriptures.

“Likewise, as is required in the said bill, we shall willingly have all our churches and stated places for public worship registered, if this honorable house shall think proper to grant it. But every minister of the Gospel is under indispensable obligations to follow the example of our blessed Saviour, ‘who went about doing good,’ and the example of his Apostles who not only ‘taught in the Temple, but in every house where they came they ceased not to teach and preach Jesus Christ.’ From which, and their constant practice of traveling into every quarter of the world, we humbly trust that it will appear to this Assembly, that we cannot, consistent with the duties of our office, wholly confine our ministrations to any place or number of places; and to be limited by law would be the more grievous, because in many parts of this colony, even where the majority of the inhabitants are Presbyterians, it is not, and perhaps it may not, in any short time be easy to determine where it would be the most expedient to fix upon a stated place for public worship, and indeed where we have houses for worship already built, generally the bounds of our congregation are so very extensive, that many of our people, especially women, children, and servants are not able to attend by reason of the distance, which makes it our duty, as faithful ministers of Christ, to double our diligence, and frequently to lecture and catechise in the remote corners of our congregations. This restriction would also be very grievous to us in many other respects. We only beg leave to add: That the number of Presbyterians in this province is now very great, and the number of clergymen but small, therefore we are obliged frequently to itinerate and preach through various parts of the colony, that our people may have an opportunity to worship God and receive the sacraments in the way agreeable to their own consciences. As to our having meetings for public worship in the night, it is not a frequent practice among our churches; yet sometimes we find it expedient to attend night meetings, that a neighborhood may hear a sermon or a lecture, or be catechised, without being much interrupted in their daily labor. And so long as our fellow subjects

are permitted to meet together by day or by night, for the purposes of business or diversion, we hope we shall not be restrained from meeting together as opportunity serves us, upon business of all others the most important; especially if it be considered that the Apostles held frequent societies by night, and once St. Paul continued to speak till midnight; accordingly it is well known that in city and collegiate churches evening prayers and lectures have long been esteemed lawful and profitable exercises. As to any bad influence this practice may have upon servants or any others, it is sufficient to say that there is nothing in our principles or way of worship that tends to promote a spirit of disobedience or disorder, but, much to the contrary; and if any person shall be detected in doing or teaching anything criminal in this respect, we presume he is liable to punishment by a law already in being; therefore we pray that no dissenting minister, according to law may be subjected to any penalty for preaching or teaching, at any time, or in any place in this colony.

“We confess it is easy for us to keep open doors in time of divine service, except in case of a storm or other inclemencies of the weather; yet we would humbly represent that such a requirement implies a suspicion of our loyalty, and will fix a stigma upon us to after ages, such as we presume our honorable representatives will not judge that we have anyhow incurred; therefore we pray that this clause may also be removed from the bill.

“And as to baptizing or receiving servants into our communion, we have always anxiously desired to do it with the permission of their masters; but when a servant appears to be a true penitent and makes profession of his faith in Christ, upon his desire it is our indispensable duty to admit him into our church, and if he has never been baptized, we are to baptize him according to the command of Christ: ‘Go ye therefore and teach all nations, baptizing them in the name of the Father, and of the Son, and of the Holy Ghost, teaching them to observe all things whatsoever I have commanded you, and lo! I am with you always, even unto the end of the world. Amen.’ And we are so confidently persuaded of the liberal sentiments of this house, that in obeying the laws of Christ, we shall never be reduced to the necessity of disobeying the laws of our country.

“And, also, having abundant reasons to hope that we shall be indulged in every other thing that may appear reasonable, your petitioners further pray:

“ For liberty and protection in the discharge of all the functions and duties of our office as ministers of the Gospel, and that the penalties to be inflicted on those who may disturb any of our congregations in the time of Divine service, or misuse the preacher, be the same as on those who disturb the congregation, or misuse the preachers of the Church of England, and that the dissenting clergy, as well as the clergy of the Established Church, be excused from all burdensome offices. All of which we conceive is granted in the English Toleration Act.

“ And we pray for that freedom in speaking and writing upon religious subjects which is allowed by law to every member of the British Empire in civil affairs, and which has long been so friendly to the cause of liberty.

“ And, also, we pray for a right by law to hold estates, and enjoy donations and legacies for the support of our churches and schools for the instruction of our youth. Though this is not expressed in the English Act of Toleration, yet the greatest lawyers in England have pled, and the best judges have determined, that it is manifestly implied.

“ Finally, we pray that nothing in the Act of Toleration may be so expressed as to render us suspicious or odious to our countrymen, with whom we desire to live in peace and friendship; but that all misdemeanors committed by dissenters may be punished by laws equally binding upon all our fellow subjects, without any regard to their religious tenets. Or, if any non-compliance with the conditions of the Act of Toleration shall be judged to deserve punishment, we pray that the crime may be accurately defined, and the penalty ascertained by the legislature; and that neither be left to the discretion of any magistrate, or court whatsoever.

“ May it please this honorable Assembly, There are some other things which we omit, because they are less essential to the rights of conscience, and the interest of our Church; we trust that we petition for nothing but what justice says ought to be ours; for as ample privileges as any of our fellow-subjects enjoy:

“ To have and enjoy the full and free exercise of our religion, without molestation or danger of incurring any penalty whatsoever. We are petitioning in favor of a Church that is neither contemptible nor obscure: It prevails in every province to the Northward of Maryland, and its advocates in all the more Southern provinces are numerous and respectable. The greatest mon-



arch in the north of Europe adorns it; it is the established religion of the populous and wealthy states of Holland; it prevails in the wise and happy cantons of Switzerland; and it is, the possession of Geneva, a state among the foremost of those who, at the Reformation, emancipated themselves from the slavery of Rome; and some of the first geniuses and writers in every branch of literature were sons of our Church.

“The subject is of such solemn importance to us, that comparatively speaking, our lives and our liberties are but of little value; and the population of the country, and the honor of the Legislature, as well as the interest of American liberty, are certainly most deeply concerned in the matter: Therefore we would willingly lay before this honorable house a more extensive view of our reasons in favor of an unlimited, impartial toleration; but, fearing we should transgress upon the patience of the House, we conclude with praying that the allwise, just and merciful God would direct you in this and all your other important determinations.

“Signed by order of Presbytery,

“DAVID RICE, *Moderator*;

“CABLE WALLACE, *Clerk*.

“At a session of the Presbytery in Amherst County, November 11th, 1774.”<sup>8</sup>

These men, while willing to have all their “churches and stated places for worship registered,” petitioned for freedom to preach, “to follow the example of our blessed Saviour, ‘who went about doing good;’ and the example of his Apostles, who not only ‘taught in the temple, but in every house where they came they ceased not to teach and preach Jesus Christ.’” They petitioned to be allowed to meet whenever they pleased, night or day; to meet without any restriction, of evil *implication*, as to doors open or closed; that the dissenting clergy be placed upon

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<sup>8</sup> This document was discovered in the State Archives by Mr. William Wirt Henry, and by him published in the *Central Presbyterian*, Richmond, Va., in the issue of May 16, 1888.

the same plane with regard to liberty, protection, and immunity from burdensome offices, with the clergy of the Established Church; for *unlimited* freedom of speech on religious subjects. They claimed that these things were granted directly or by implication in the English Toleration Act. They say: "There are *some other things* which we omit, because they are less essential to the rights of conscience, and the interest of our church; we trust that we petition for nothing but what justice says ought to be ours; for as ample privileges as any of our fellow-subjects enjoy: 'To have and enjoy the full and free exercise of our religion, without molestation or danger of incurring any penalty whatsoever.'" Here the yearning for "impartial toleration" for *religious liberty* is briefly, perhaps inconsistently, but comprehensively, voiced. Circumstances were about to arise in which this right would be more adequately expressed.

The oppressions of the mother country were driving the colonies into political revolution. "The Presbyterians of America were the earliest and staunchest friends of the independence of the American colonies. The Scotch-Irish on the frontiers of Virginia and North Carolina, in the Presbyteries of Hanover and Orange, were the first to advance to a declaration of independence of the mother country. The struggles against the government of Virginia for their religious rights had prepared them for the issue."<sup>9</sup>

January 20, 1775, the Scotch-Irish Presbyterians of Southwest Virginia met in council and prepared an address to the Virginia delegates in the Continental Congress, in the course of which they said:

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<sup>9</sup> C. A. Briggs, *American Presbyterianism*, p. 347.

" We crossed the *Atlantic* and explored this uncultivated wilderness, bordering on many nations of savages and surrounded by mountains almost inaccessible to any but those very savages, who have incessantly been committing barbarities and depredations on us since our first seating this country. The fatigues and dangers we patiently encountered supported by the pleasing hope of enjoying those rights and liberties which had been granted to *Virginians*, and were denied us in our native country, and of transmitting them inviolate to our posterity; but soon to these remote regions the hand of unlimited and unconstitutional power hath pursued us, to strip us of that liberty and property with which God, nature, and the rights of humanity have vested us. We are ready and willing to contribute all in our power for the support of his Majesty's government if applied to constitutionally, and when the grants are made by our own representatives, but cannot think of submitting our liberty or property to the power of a venal British Parliament, or the will of a corrupt ministry.

" We by no means desire to shake off our duty or our allegiance to our lawful sovereign, but, on the contrary, shall ever glory in being the loyal subjects of a Protestant Prince descending from such illustrious progenitors as long as we can enjoy the free exercise of our religion, as Protestants, and our liberties and properties as *British* subjects.

" But if no pacific measures shall be proposed or adopted by Great Britain, and our enemies shall attempt to dragoon us out of these inestimable privileges which we are entitled to as subjects, and to reduce us to a state of slavery, we declare that we are deliberately and resolutely determined never to surrender them to any power upon earth, but at the expense of our lives.

" These are our real, though unpolished, sentiments of liberty and loyalty, and in them we are resolved to live and die."<sup>10</sup>

The Scotch-Irish Presbyterians of Mecklenburg County, North Carolina, through their county committee, May 31, 1775, went even further. They passed certain resolutions, implying at least temporary independence:

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<sup>10</sup> Thomas L. Preston, *Historical Sketches and Reminiscences of an Octogenarian*, pp. 27, 28.

"All laws and commissions confirmed by or derived from the authority of the King or Parliament are annulled and vacated. All commissions, civil and military, heretofore granted by the crown to be exercised in the colonies are void; the provincial congress of each province, under the direction of the great Continental Congress, is invested with all legislative and executive powers within the respective provinces, and no other legislative or executive power does or can exist at this time in any part of these colonies. As all former laws are now suspended in this province, and the congress has not yet provided others, we judge it necessary, for the better preservation of good order, to form certain rules and regulations for the internal government of this country, until its laws shall be provided for us by the congress."<sup>11</sup>

Though the Presbyterians of New York, New Jersey and Pennsylvania acted more slowly, they reached the same goal:

"The friends of the British Government in New York were found only on the surface. The Dutch-Americans formed the basis of the population, and were animated by the example of their fathers, who had proved to the world that a small people under great discouragements can found a republic. By temperament moderate but inflexible, little noticed by the government, they kept themselves noiselessly in reserve. The settlers in New York from New England and the mechanics of the city were almost to a man enthusiasts for resistance. The landed aristocracy was divided, but the Dutch and the Scotch Presbyterians, especially Schuyler of Albany and the aged Livingston of Rhinebeck, never hesitated to risk their estates in the cause of inherited freedom. In no colony did English dominion find less of the sympathy of the people than in New York."<sup>12</sup>

In New Jersey the Presbyterians and the Reformed in a body struck for liberty. Indeed, throughout the colo-

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<sup>11</sup> George Bancroft, *History of United States*, IV., p. 197; William Wirt Henry, *Life, Correspondence and Speeches of Patrick Henry*, Vol. I., pp. 367 ff.

<sup>12</sup> George Bancroft, *History of the United States*, IV., p. 130, *et seq.*

nies, two ministers in New England and the Highlanders settled in the Valley of the Mohawk in New York and on the Cape Fear River, in North Carolina, excepted, Presbyterians arose as one man for the rights and liberties of the colonies.

The American Presbyterians, as represented by the Synod of New York and Philadelphia, hesitated about breaking with the mother country. Distinguishing between the ministry and the crown, they endeavored for a time to maintain their allegiance to the monarch while shaking off that of the ministry.

In a pastoral letter of May 20, 1775, the Synod says :

“ First. In carrying on this important struggle, let every opportunity be taken to express your attachment and respect to our sovereign, King George, and to the revolution principles by which his august family was seated on the British throne. We recommend, indeed, not only allegiance to him from duty and principle, as the first magistrate of the empire, but esteem and reverence for the person of the prince, who has merited well of his subjects on many accounts, and who has probably been misled into the late and present measures by those about him; neither have we any doubt that they themselves have been in a great degree deceived by false information from interested persons residing in America. It gives us the greatest pleasure to say, from our own certain knowledge of all belonging to our communion, and from the best means of information, of the far greatest part of all denominations in this country, that the present opposition to the measures of administration does not in the least arise from disaffection to the King, or a desire of separation from the parent state. We are happy in being able with truth to affirm, that no part of America would either have approved or committed such insults as have been offered to the sovereign in Great Britain. We exhort you, therefore, to continue in the same disposition, and not to suffer oppression, or injury itself, easily to provoke you to anything which may seem to betray contrary sentiments; let it ever appear, that you only desire the preservation and security of those rights which belong to you as freemen and Britons, and that reconciliation upon these terms is your most ardent desire.

“Secondly. Be careful to maintain the union, which at present subsists through all the colonies; nothing can be more manifest than that the success of every measure depends on its being inviolably preserved, and therefore, we hope that you will leave nothing undone which can promote that end. In particular, as the Continental Congress, now sitting in Philadelphia, consists of delegates chosen in the most free and unbiased manner, by the body of the people, let them not only be treated with respect, and encouraged in their difficult service—not only let your prayers be offered up to God for his direction in their proceedings—but adhere firmly to their resolutions; and let it be seen that they are able to bring out the whole strength of this vast country to carry them into execution. We would also advise for the same purpose, that a spirit of candor, charity, and mutual esteem, be preserved and promoted toward those of different religious denominations. Persons of probity and principle of every profession should be united together as servants of the same master, and the experience of our happy concord hitherto in a state of liberty should engage all to unite in support of the common interest; for there is no example in history, in which civil liberty was destroyed, and the rights of conscience preserved entire.”<sup>18</sup>

In a short while it became clear that the colonies should become independent of the mother country. John Witherspoon, the only minister in the Continental Congress, gave the Presbyterian voice for the Declaration of Independence:

“There is a tide in the affairs of men, a nick of time. We perceive it now before us. To hesitate is to consent to our own slavery. That noble instrument upon your table which insures immortality to its author should be subscribed this very morning by every pen in this house. He that will not respond to its accents and strain every nerve to carry into effect its provisions is unworthy the name of freeman. . . . For my own part, of property I have some, of reputation more. That reputation is staked, that property is pledged on the issue of this contest, and although these gray hairs must soon descend into the sepulchre, I would infi-

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<sup>18</sup> *Records of the Presbyterian Church, 467-468.*

nately rather that they descend thither by the hand of the executioner than desert at this crisis the sacred cause of my country."<sup>14</sup>

Presbyterians supported their brave resolutions by corresponding behavior during the long years of the war. Of Presbyterian ministers, John Witherspoon did valuable service as a member of the Continental Congress. George Duffield was one of its two chaplains. "John Rodgers, of New York, was chaplain of Heath's Brigade; James Caldwell, of Elizabethtown, of the New Jersey Brigade; Alexander McWhorter, of Knox's Brigade; James F. Armstrong, of the Second Maryland Brigade; Adam Boyd, of the North Carolina Brigade; Daniel McCall, of the Expedition to Canada. Jacob Green was a member of the Congress of New Jersey; Henry Patillo, of that of North Carolina; William Tennent, of that of South Carolina; John Murray, of that of Massachusetts; David Caldwell was a member of the Convention of North Carolina of 1776, which drew up its constitution; Abraham Kettletas, of the Convention of New York. James Hall, of Iredell, N. C., was a captain of a cavalry company, as well as chaplain of a regiment."<sup>15</sup>

In the province of South Carolina, Presbyterian elders took a most active part in the War of Independence.

"The battles of the 'Cowpens,' of 'King's Mountain,' and also the severe skirmish known as 'Huck's Defeat,' are among the most celebrated in this State as giving a turning point to the contests of the Revolution. General Morgan, who commanded at the Cowpens, was a Presbyterian elder, and lived and died in the communion of the church. General Pickens, who made all the arrangements for the battle, was also a Presbyterian elder, and

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<sup>14</sup> W. P. Breed, *Presbyterians and the Revolution*, p. 166.

<sup>15</sup> C. A. Briggs, *American Presbyterians*, p. 352.

nearly all under their command were Presbyterians. In the battle of King's Mountain, Colonel Campbell, Colonel James Williams (who fell in action), Colonel Cleaveland, Colonel Shelby and Colonel Sevier, were all Presbyterian elders; and the body of their troops were collected from Presbyterian settlements. At Huck's Defeat in York, Colonel Bratton and Major Dickson were both elders in the Presbyterian Church. Major Samuel Morrow, who was with Colonel Sumpter in four engagements, and at King's Mountain, Blackstock and other battles, and whose home was in the army till the termination of hostilities, was for about fifty years a ruling elder in the Presbyterian Church. It may also be mentioned in this connection that Marion, Huger, and other distinguished men of Revolutionary memory, were of Huguenot—that is, of full-blooded Presbyterian—descent."<sup>16</sup>

Presbyterians elsewhere, with the exceptions already noted, and the Dutch Reformed, were behaving with equal patriotism and devotion. They felt that the Revolutionary War was a war for religious as well as for civil liberty. This, in part, explains their singular devotion to the patriotic cause. The progress of the Revolution was favorable to the increase of religious liberty. It presented the "*favorable juncture*" for which Davies had longed, as an occasion on which Presbyterians might "petition for the enlargement of our liberties." Presbyterians quickly took advantage of the "juncture," as will appear in the sequel.

May 15, 1776, the Virginia Convention assembled at Williamsburg, declared that no alternative was left, "*but object submission to the will of those overbearing tyrants,*

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<sup>16</sup> Thomas Smythe, *Presbyterianism, the Revolution, the Declaration, and the Constitution*, pp. 32ff.; Briggs, *American Presbyterians*, p. 355.



or a total separation from the crown and government of Great Britain." The Convention instructed the Virginia delegates in the Continental Congress to propose to that body, "to declare the united colonies free and independent States." June 12, the Convention adopted a Bill of Rights, and, June 29th, a Constitution. The last clause of the Bill of Rights adopted is in these words:

"That religion, or the duty we owe our Creator, and the manner of discharging it, can be directed only by reason and conviction, not by force or violence, and therefore all men are equally entitled to the free exercise of religion according to the dictates of conscience, and that it is the mutual duty of all to practice Christian forbearance, love and charity toward each other."

These words were, in the main, from the draft of the Bill of Rights presented by the celebrated George Mason, a member of the Established Church. The section, in Mason's draft of the Bill of Rights, on religion, was contributed by Patrick Henry, who, according to Mr. Edmund Randolph, was appealed to to say "whether it was designed as a prelude to an attack on the Established Church."<sup>17</sup> This Mr. Henry disclaimed. One clause only in the Henry-Mason draft received a material amendment. In their draft it was written that all should enjoy the fullest *toleration* in the exercise of religion. Their statement of the rights of conscience is very like that of the Independents in the Westminster Assembly; and the word *toleration* is used in a liberal sense, implying non-interference of the State with the Church; nevertheless, the word *toleration*, strictly speaking, implies a power in the civil government to interfere with religion. "A young man, then unknown to fame, of bright hazel eyes, inclining

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<sup>17</sup> William Wirt Henry, *Life, Correspondence and Speeches of Patrick Henry* Vol. I., p. 430. See, however, William C. Rives, *Life and Times of Madison*, Vol. I., p. 138.

to gray, small in stature, light in person, delicate in appearance, a pallid, sickly scholar in an assembly of the most robust men, proposed an amendment. He was James Madison, the son of an Orange County planter, bred in the school of Presbyterian Dissenters, under Witherspoon, at Princeton; trained by his own studies, by meditative rural life in the Old Dominion, by an ingenuous indignation at the persecution of the Baptists, and by the innate principles of right, to uphold the sanctity of religious freedom. He objected to the word 'toleration,' because it implied an established religion, which endured dissent only as a condescension; and, as the earnestness of his conviction overcame his modesty, he proceeded to demonstrate that 'all men are equally entitled to the free exercise of religion, according to the dictates of conscience.' His motion, which did but state with better dialectics the very purpose which Mason [and Henry] wished to accomplish, obtained the suffrages of his colleagues."<sup>18</sup>

Notwithstanding the clearness of this declaration concerning the right of every man to religious liberty, it seems not to have been well-understood even by the members of the Assembly, as subsequent history made clear.

By the subsequent legislation of the State, the principle was to be developed into absolute separation of Church and State, was in no long time to be engrafted upon every State Constitution, and upon the Federal Constitution. This great principle is now considered "the chief cornerstone of the American system of government," peculiarly American and its "contribution to the science of government." The principle of religious freedom is clearly in-

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<sup>18</sup> George Bancroft, *History of the United States*, IV., pp. 416, et seq.; Rives, *Life and Times of Madison*, I., pp. 140, et seq.

volved in the teaching of Christ. But in the fourth century Christianity became, by the conversion of the Roman Emperor and his substitution of the Christian for the old heathen religions, closely united to the State—the State's religion, indeed.

The principles of the Reformation in the sixteenth century involved that of universal religious freedom; but, owing to the desire of the Reformers for protection, the most of them practically rather strengthened the power of those Protestant rulers who were of their faith. But the union of Church and State was a great evil. The interference of European civil governments with the consciences of men filled America with immigrants. Yet so inveterate was the bias in favor of the union of Church and State that these very immigrants who had fled from intolerance, showed little disposition to tolerate dissent from their views when they had established themselves in power in the New World. The most liberal colonies were those founded by Lord Baltimore, William Penn and Roger Williams, to each of whom self-interest dictated this liberality, however some of them may have been moved by other considerations. They advocated also only a circumscribed liberality. "Baltimore only professed to make 'free soil for Christianity.' Penn only tolerated those who believed in 'one Almighty and Eternal God, the Creator, Upholder, and Ruler of the world;' and denied the right to hold office to all except Christians. Williams' charter was expressly to propagate Christianity, and under it a law was enacted excluding all except Christians from the rights of citizenship, and including, in the exclusion, Roman Catholics.

"At the date of the Virginia Bill of Rights, although more than one sect had claimed religious freedom, and an absolute divorce of Church and State, no civil government

had ever allowed the claim. Virginia led the way in incorporating into the very foundation of her government the principle upon which religious liberty is based, and in doing so, completed the great reformation commenced in the sixteenth century."<sup>19</sup>

This work was, in the Providence of God, chiefly by Patrick Henry and James Madison. Mr. Henry's hand was the foremost one. Mr. Madison's work was important. They were each chiefly indebted to Presbyterians for their fitting for these great services.

To return to the year 1776. The principle of religious freedom had been expressed in the Virginia Bill of Rights, but it remained to give the principle practical expression in the laws and life of the State. October 7, 1776, the General Assembly convened for the first time under the new Constitution. At an early date it entered upon the consideration of religious freedom. Petitions began to rain upon it. "October 11th, a petition from *Sundry Inhabitants of Prince Edward*, that without delay all church establishments might be pulled down, and every tax upon conscience and private judgment abolished, and each individual left to rise or sink by his own merit and the general laws of the land;" October 16th, a petition from *Dissenters from the Ecclesiastical Establishment*, that "having long groaned under the burden of an ecclesiastical establishment," this, as well as every other yoke, may be broken, and that the oppressed may go free, that so every religious denomination being on a level, animosities may cease, and Christian forbearance, love, and charity, practiced toward each other, while the legislature interferes only to protect them in their just and equal privileges;

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<sup>19</sup> William Wirt Henry, *Life, Correspondence and Speeches of Patrick Henry*, Vol. I., pp. 432-434; Justin Winsor, *Narrative and Critical History of America*, Vol. III., p. 379.

October 22, two petitions from Dissenters in Albemarle, Amherst and Buckingham, complaining of the inequalities under which they had labored in being required to support the establishment, prayed that every religious denomination might be put upon an equal footing; October 22nd, a petition from *Lutherans*, "praying that they be exempted from the further payment of parochial charges, other than to support their own church and poor, and that their ministers may have equal rights and privileges with their brethren in Pennsylvania, or the Established Church ministers in Virginia, so far as may extend to the members of their church only;" October 24, *A Memorial of the Presbytery of Hanover*, to which return will presently be made; October 25th, two petitions from the Dissenters from the Church of England, "praying that the ecclesiastical establishment may be suspended or laid aside;" October 28th, a petition from the *Methodists*, claiming to be a society in communion with the Church of England, and praying "that the Church of England as it hath ever been, may still continue to be the established church;" November 8, a memorial of a *considerable number of the clergy of the Established Church*, pleading for the continuance of the Establishment; November 9th, a *memorial from the County Committee for Augusta County*, expressing their grievance at "being obliged to contribute to the support of the Established Church," "and praying such speedy and immediate relief as may best correspond with Christian liberty, and those noble sentiments which should animate every virtuous American."<sup>20</sup> This Augusta memorial was from a Presbyterian centre. So was the Prince Edward petition. Others of them betray a Presbyterian hand in their shaping. "The Memorial of the

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<sup>20</sup> C. F. James, *Id.*, pp. 68-77.

Presbytery of Hanover that was read on the 24th of October, received very considerate attention, occupying a full page in the Journal of Proceedings—a compliment which was probably due to the fact that its substance was ably argumentative and its tone was courtly and respectful.”<sup>21</sup> It was the paper of breadth of view, grasp of pertinent truth and argumentative force. A comparison of this memorial, together with that of the Presbytery, against a general assessment, which bears date April 25, 1777, and which will appear later in this sketch, with Mr. Jefferson’s famous “*Bill for Establishing Religious Freedom*,” reveals the fact, that the Presbytery, representing the Presbyterians of the State, had expressed with remarkable precision and force, the proper relations of Church and State, before the great statesman had drafted his act defining those relations, and that the act was no advance on the positions taken by the Presbytery.”<sup>22</sup>

The Memorial of 1776 is as follows:

*“To the Honorable the General Assembly of Virginia:*

“The Memorial of the Presbytery of Hanover humbly represents, That your memorialists are governed by the same sentiments which have inspired the United States of America; and are determined that nothing in our power and influence shall be wanting to give success to their common cause. We would also represent, that dissenters from the Church of England, in this country, have ever been desirous to conduct themselves as peaceable members of the civil government, for which reason they have hitherto submitted to several ecclesiastical burdens and restrictions, that are inconsistent with equal liberty. But now, when the many and grievous oppressions of our mother country have laid this continent under the necessity of casting off the yoke of tyranny, and of forming independent governments upon equitable

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<sup>21</sup> William H. Whitsitt, *Life and Times of Judge Caleb Wallace*.

<sup>22</sup> William Wirt Henry, *Life, Correspondence and Speeches of Patrick Henry*, Vol. I., pp. 498-499.

and liberal foundations, we flatter ourselves that we shall be freed from all the encumbrances which a spirit of domination, prejudice, or bigotry, hath interwoven with most other political systems. This we are the more strongly encouraged to expect, by the Declaration of Rights, so universally applauded for that dignity, firmness and precision with which it delineates and asserts the privileges of society, and the prerogatives of human nature; and which we embrace as the *magna charta* of our commonwealth, that can never be violated without endangering the grand superstructure it was destined to sustain. Therefore we rely upon this *Declaration*, as well as the justice of our honorable Legislature, to secure us the *free exercise of religion according to the dictates of our consciences*; and we should fall short in our duty to ourselves and the many and numerous congregations under our care, were we, upon this occasion, to neglect laying before you a state of the religious grievances under which we have hitherto labored; that they may no longer be continued in our present form of government.

“It is well known that in the frontier counties, which are justly supposed to contain a fifth part of the inhabitants of Virginia, the dissenters have borne the heavy burdens of purchasing glebes, building churches, and supporting the established clergy, where there are very few Episcopalians, either to assist in bearing the expense, or to reap the advantage; and that throughout the other parts of the country, there are also many thousands of zealous friends and defenders of our State, who, besides the invidious and disadvantageous restrictions to which they have been subjected, annually pay large taxes to support an establishment, from which their consciences and principles oblige them to dissent: all which are confessedly so many violations of their natural rights; and in their consequences, a restraint upon freedom of inquiry, and private judgment.

“In this enlightened age, and in a land where all, of every denomination, are united in the most strenuous efforts to be free, we hope and expect that our representatives will cheerfully concur in removing every species of religious as well as civil bondage. Certain it is, that every argument for civil liberty, gains additional strength when applied to liberty in the concerns of religion; and there is no argument in favor of establishing the Christian religion, but what may be pleaded, with equal propriety for establishing the tenets of Mahommed by those who believe the

Aleoran; or, if this be not true, it is at least impossible for the magistrate to adjudge the right of preference among the various sects that profess the Christian faith, without erecting a chair of infallibility, which would lead us back to the Church of Rome.

“ We beg leave farther to represent, that religious establishments are highly injurious to the temporal interests of any community. Without insisting upon the ambition, and the arbitrary practices of those who are favored by government; or the intriguing seditious spirit, which is commonly excited by this, as well as every other kind of oppression; such establishments greatly retard population, and consequently the progress of arts, sciences, and manufactures: witness the rapid growth and improvements of the Northern provinces, compared with this. No one can deny that the more early settlement, and the many superior advantages of our country, would have invited multitudes of artificers, mechanics and other useful members of society, to fix their habitation among us, who have either remained in their place of nativity, or preferred worse civil governments, and a more barren soil, where they might enjoy the rights of conscience more fully than they had a prospect of doing in this. From which we infer that Virginia might have now been the capital of America, and a match for the British arms, without depending on others for the necessaries of war, had it not been prevented by her religious establishment.

“ Neither can it be made to appear that the Gospel needs any such civil aid. We rather conceive that when our blessed Saviour declares his *kingdom is not of this world*, He renounces all dependence upon state power, and as His *weapons are spiritual*, and were only designed to have influence on the judgment and heart of man, we are persuaded that if mankind were left in the quiet possession of their unalienable rights and privileges, Christianity, as in the days of the Apostles, would continue to prevail and flourish in the greatest purity, by its own native excellence, and under the all-disposing Providence of God.

“ We would humbly represent, that the only proper objects of civil government are the happiness and protection of men in the 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. This indeed would be giving exclusive or separate emoluments or privileges to the one set (or sect) of men, without any special public services, to the common reproach and injury of every other denomination. And for the reasons recited we are induced earnestly to entreat, that all laws now in force in this commonwealth which countenance religious domination, may be speedily repealed—that all, of every religious sect, may be protected in the full exercise of their several modes of worship; and exempted from all taxes for the support of any church whatsoever, further than what may be agreeable to their own private choice, or voluntary obligation. This being done, all partial and invidious distinctions will be abolished, to the great honor and interest of the State; and every one be left to stand or fall according to merit, which can never be the case, so long as any one denomination is established in preference to others.

“That the great Sovereign of the Universe may inspire you with unanimity, wisdom and resolution and bring you to a just determination on all the important concerns before you is the fervid prayer of your memorialists.

“Signed by order of the Presbytery.

“JOHN TODD, *Moderator.*

“CALEB WALLACE, *P. Clerk.*”<sup>23</sup>

The Rev. Caleb Wallace is believed to have written the memorial. He was sent by the Presbytery to Williamsburg to push the views of the Presbytery with the members of the legislature, which he seems to have done with great ability. In addition to other means, he appears to have availed himself of the columns of the *Virginia Ga-*

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<sup>23</sup> This memorial is still preserved in the Virginia archives. Copies may be found in William H. Foote, *Sketches of Virginia*, pp. 323, 324; in William H. Whitsitt, *Life and Times of Judge Caleb Wallace*, pp. 47-49; C. F. James, *The Struggle for Religious Liberty in Virginia*, pp. 222-225.

ette, November 8th, 1776, to set forth, in a paper entitled *Queries on the Subject of Religious Establishments*, one of the ablest performances within the range of the entire literature of the struggle for religious freedom in Virginia."<sup>24</sup>

Mr. Thomas Jefferson regarded the enforced support of the Established Church upon Dissenters who believed the Establishment to be erroneous in important particulars, as an unrighteous compulsion. He was the leading champion, in the Assembly of 1776, of religious freedom. He gave, long afterwards, the following account, erroneous in regard to certain features<sup>25</sup> of the struggle, but trustworthy in regard to the results, of the contest which he and his party waged:

"The first Republican Legislature, which met in 1776, was crowded with petitions to abolish this spiritual tyranny. These brought on the severest contest in which I have ever been engaged. Our great opponents were Mr. Pendleton and Robert Carter Nicholas; honest men, but zealous churchmen. The petitions were referred to the Committee of the Whole House on the State of the Country; and after desperate contests in that committee, almost daily from the 11th of October to the 5th of December, we prevailed so far only, as to repeal the laws which rendered criminal the maintenance of any religious opinions, the forbearance of repairing to church, or the exercise of any mode of worship; and, further, to exempt dissenters from contributions to the support of the Established Church; and to suspend only until the next session, levies on the members of that church for the salaries of their own incumbents. For, although a majority of our citizens were dissenters, the majority of the Legislature were churchmen. Among these, however, were some reasonable and liberal men, who enabled us on some points to obtain feeble

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<sup>24</sup> William H. Whitsitt, *Life and Times of Judge Caleb Wallace*, pp. 43-47.

<sup>25</sup> Cf. William Wirt Henry, *Life, Correspondence and Speeches of Patrick Henry*, Vol. I., p. 493, *et seq.*

majorities. But our opponents carried, in the general resolutions, of the committee of November 19th, a declaration that religions ought to be regulated, and that provision ought to be made for continuing the succession of the clergy, and superintending their conduct.”<sup>26</sup>

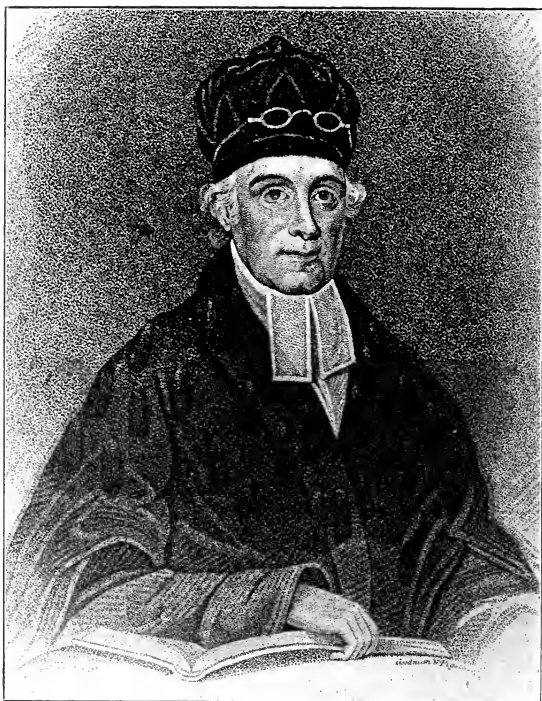
On suspending the tax for the support of the ministers of the Episcopal Church, the legislature of 1776 invited an expression of the public opinion on the question of a general assessment for the support of religion. The earliest expression of opinion in response to this invitation, which posterity has thought worthy of preservation, and the ablest given in all years while the question was open—the one that continued to represent the voice of the Presbyterian people, is the following paper drafted by Revs. Samuel Stanhope Smith and David Rice, and presented to the House of Delegates, June 3, 1777:

*“ To the Honorable the General Assembly of Virginia :*

“ The memorial of the Presbytery of Hanover humbly represents, that your memorialists and the religious denomination with which we are connected, are most sincerely attached to the common interests of the American States, and are determined that our most fervent prayers and strenuous endeavors shall ever be united with our fellow-subjects to repel the assaults of tyranny and to maintain our common rights. In our former memorial we have expressed our hearty approbation of the Declaration of Rights, which has been made and adopted as the basis of the laws and government of this State, and now we take the opportunity of testifying that nothing has inspired us with greater confidence in our Legislature, than the late act of Assembly declaring that equal liberty, as well religious as civil, shall be universally extended to the good people of this country; and that all the oppressive acts of Parliament respecting religion which have been formerly enacted in the mother country, shall henceforth be of no validity or force in this commonwealth; as also exempting dissenters from all levies, taxes, and impositions, whatsoever,

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<sup>26</sup> Thomas Jefferson: *Works*, Vol. I., p. 39.



REV. SAMUEL STANHOPE SMITH

towards supporting the Church of England as it now is or hereafter may be established. We would, therefore, have given our honorable Legislature no further trouble on this subject, but we are sorry to find that there yet remains a variety of opinions touching the propriety of a general assessment, or whether every religious society shall be left to voluntary contributions for the maintenance of the ministers of the Gospel who are of different persuasions. As this matter is deferred by our Legislature to the discussion and final determination of a future Assembly, when the opinions of the country in general shall be better known; we think it our indispensable duty again to repeat a part of the prayer of our former memorial, 'that dissenters of every denomination may be exempted from all taxes for the support of any church whatsoever, further than what may be agreeable to the private choice or voluntary obligations of every individual; while the civil magistrates no otherwise interfere than to protect them all in the full and free exercise of their several modes of worship.' We then represented as the principal reason upon which this request is founded, that the only proper objects of civil governments are the happiness and protection of men in the 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; and 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.

"To illustrate and confirm these assertions, we beg leave to observe, that to judge for ourselves, and to engage in the exercise of religion agreeable to the dictates of our own consciences is an unalienable right, which upon the principles that the Gospel was first propagated, and the reformation from Popery carried on, can never be transferred to another. Neither does the Church of Christ stand in need of a *general assessment* for its support; and most certain we are that it would be no advantage, but an injury to the society to which we belong: and as every good Christian believes that Christ has ordained a complete system of laws for the government of his kingdom, so we are persuaded that, by his providence, he will support it to its final consummation. In the fixed belief of this principle, that the kingdom of Christ, and the concerns of religion, are beyond the limits of civil control, we should act a dishonest, inconsistent part, were we to receive any

emoluments from human establishments for the support of the Gospel.

" These things being considered, we hope we shall be excused for remonstrating against a general assessment for any religious purpose. As the maxims have long been approved, that every servant is to obey his master; and that the hiring is accountable for his conduct to him from whom he receives his wages; in like manner, if the Legislature has any rightful authority over the ministers of the Gospel in the exercise of their sacred office, and it is their duty to levy a maintenance for them as such; then it will follow that they may revive the old establishment in its former extent; or ordain a new one for any sect they think proper; they are invested with a power not only to determine, but it is incumbent on them to declare who shall preach, what they shall preach; to whom, when, or at what places they shall preach; or to impose any regulations and restrictions upon religious societies that they may judge expedient. These consequences are so plain as not to be denied; and they are so entirely subversive of religious liberty, that if they should take place in Virginia, we should be reduced to the melancholy necessity of saying with the apostles in like cases, 'Judge ye whether it is best to obey God or man,' and also of acting as they acted.

" Therefore, as it is contrary to our principles and interest; and, as we think, subversive of religious liberty, we do again most earnestly entreat that our Legislature would never extend any assessment for religious purposes to us, or to the congregations under our care. And your memorialists, as in duty bound, shall ever pray for, and demean themselves as peaceable subjects of civil government.

" Signed by order of the Presbytery.

" RICHARD SANKEY, *Moderator*.

" TIMBER RIDGE, *April 25, 1777.*"<sup>27</sup>

November 5, 1776, Messrs. Pendleton, Wythe, George Mason, Thomas L. Lee and Thomas Jefferson had been appointed by the Assembly a committee to revise the laws. This committee met at Fredericksburg, January 13, 1777.

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<sup>27</sup> Found in Virginia Archives. Copy in William H. Foote, *Sketches of Virginia*, pp. 326-327, etc.

It determined upon the plan of abolishing "the whole existing system of laws and preparing a new and complete institute." Messrs. Lee and Mason excused themselves from further services on the committee, on the ground of lack of qualification as not being lawyers. Messrs. Jefferson, Wythe and Pendleton, working assiduously, according to their own plans, were ready to report to the General Assembly June 18, 1779. Of the one hundred and twenty-six bills proposed by this committee, some bills were taken out from time to time and passed into laws; "but the main body of the work was not entered upon by the legislature, until after the general peace, in 1785, when, by the unwearied exertions of Mr. Madison, in opposition to the endless quibbles, chicaneries, perversions, vexations and delays of lawyers and demi-lawyers, most of the bills were passed by the legislature with little alteration.

"The bill for establishing religious freedom," says Mr. Jefferson, "the principles of which had, to a certain degree, been enacted before, I had drawn in all the latitude of reason and right. It still met with opposition; but, with some mutilations in the preamble, it was finally passed; and a singular proposition proved that its protection of opinion was meant to be universal. Where the preamble declares that coercion is a departure from the plan of the holy author of our religion, an amendment was proposed by inserting the words 'Jesus Christ,' so that it should read 'A departure from the plan of Jesus Christ, the holy author of our religion;' the insertion was rejected by a great majority, in proof that they meant to comprehend, within the mantle of its protection, the Jew and the Gentile, the Christian and Mahometan, the Hindoo, and infidel of every denomination."<sup>28</sup>

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<sup>28</sup> Thomas Jefferson: *Works*, Vol. I., pp. 44-45.

Mr. Jefferson had proposed to the Assembly the demolition of Church Establishment and the freedom of religion as early as 1776, as has appeared. "It could only be done by degrees; to-wit: the act of 1776, c. 2d, exempted Dissenters from contributions to the Church, and left the Church clergy to be supported by voluntary contributions of their own sect; was continued from year to year; and was made perpetual in 1779."<sup>29</sup> Thus the Established Church was stripped of the greater part of her support. The clergy, however, still retained the glebes; they claimed the prerogative of marriage ceremonies with their fees; and the vestries still exercised the right of laying taxes for the support of the poor.

Meanwhile, the Dissenters had been anxiously watching the legislature for laws in accord with the Bill of Rights. The Presbytery of Hanover, as its records show, was on the alert. Partially bridled, indeed, by its zeal to see the war with Britain safely ended, before pressing its desires with reference to religion on the attention of the legislature, it was not forgetful of the Assembly's duty to recognize in fact and law the separation of Church and State and the absolutely equal treatment of all sects. As soon as the war was over the Presbytery's voice becomes strongly vibrant again.

At a meeting held at Bethel, Augusta County, May 19, 1784, the Presbytery, through the Revs. John Blair Smith and James Waddell, prepared this memorial:

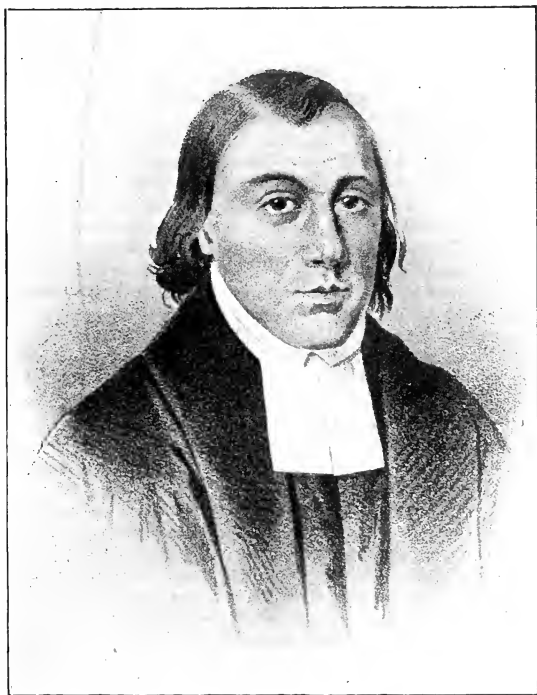
*"To the Honorable Speaker and House of Delegates of Virginia:*

"Gentlemen,—The united clergy of the Presbyterian Church in Virginia, assembled in Presbytery, request your attention to the following representation. In the late arduous struggle for every-

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<sup>29</sup> Thomas Jefferson: *Works*, Vol. I., p. 174; Journal House of Delegates, October Session, 1776, pp. 62, 63.





REV. JOHN BLAIR SMITH

thing dear to us, a desire of perfect liberty and political equality animated every class of citizens. An entire and everlasting freedom from every species of ecclesiastical domination, a full and permanent security of the unalienable rights of conscience, and private judgment, and an equal share of the protection and favor of government to all denominations of Christians, were particular objects of our expectations and irrefragable claim. The happy resolution effected by the virtuous exertions of our countrymen of various opinions in religion was a favorable opportunity of obtaining these desirable objects without faction, contention or complaint. All ranks of men, almost, felt the claims of justice when the rod of oppression had scourged them into sensibility, and the powerful band of common danger had cordially united them together against civil encroachments. The members, therefore, of every religious society had a right to expect, and most of them did expect, that former invidious and exclusive distinctions, preferences, and emoluments conferred by the State on any one sect above others would have been wholly removed. They justly supposed that any partiality of this kind, any particular and illicit connection or commerce between the State and one description of Christians more than another, on account of peculiar opinions in religion or anything else would be unworthy of the representatives of a people perfectly free, and an infringement of that religious liberty which enhances the value of other privileges in the state of society.

“ We, therefore, and the numerous body of citizens in our communion, as well as many others, are justly dissatisfied and uneasy, that our expectations from the Legislature have not been answered in these important respects. We regret that the prejudice of education, the influence of partial custom, and habits of thinking confirmed by these, have too much confounded the distinction between matters purely religious and the objects of human legislation, and have occasioned jealousy and dissatisfaction by injurious inequalities, respecting things which are connected with religious opinions, towards different sects of Christians. That this uneasiness may not appear to be entertained without ground, we would wish to state the following unquestionable facts for the consideration of the House of Delegates:

“ The security of our religious rights upon equal and impartial ground, *instead of being made a fundamental part of our constitution, as it ought to have been*, is left to the precarious fate of

common law. A matter of general and essential concern to the people is committed to the hazard of the prevailing opinion of a majority of the Assembly at its different sessions. In consequence of this the Episcopal Church was virtually regarded as the constitutional church, the church of the State, at the Revolution; and was left by the framers of our present government in that station of unjust pre-eminence which she had formerly acquired under the smiles of royal favor. And even when the late oppressive establishment of that church was at length acknowledged an unreasonable hardship by the Assembly in 1776, a superiority and distinction in name was still retained, and it was expressly styled the *Established Church*, as before; which title was continued as late as the year 1778, and never formally disclaimed: Our common danger at that time not permitting that opposition to the injustice of such distinction which it required and deserved.

“ But ‘a seat on the right hand of temporal glory as the established mother church’ was not the only inequality then countenanced, and still subsisting, of which we now have reason to regret and complain. Substantial advantages were also confirmed and secured to her by a partial and inequitable decree of government. We hope the time past would have sufficed for the enjoyment of these emoluments which that church long possessed without control by the abridgment of the equal privileges of others, and the aid of their property wrested from them by the hand of usurpation; but we were deceived. An estate computed to be worth several hundred thousand pounds in churches, glebes, etc., derived from the pockets of all religious societies, was exclusively and unjustly appropriated to the benefit of *one*, without compensation or restitution to the rest, who in many places, were a large majority of the inhabitants.

“ Nor is this the whole of the injustice we have felt in matters connected with religious opinion. The Episcopal Church is actually incorporated, and known in law as a body, so that it can receive and possess property for ecclesiastical purposes, without trouble or risk in securing it, while other Christian Communities are obliged to trust to the precarious fidelity of trustees chosen for the purpose. The Episcopal clergy are considered as having a right, *ex-officio*, to celebrate marriages throughout the State, while unnecessary hardships and restrictions are imposed upon other clergymen in the law relating to that subject passed in 1780, which confines their exercise of that function to those coun-

ties, where they receive a special license from the court by recommendation, for recording which they are charged with certain fees by the clerks; and which exposes them to a heavy fine for delay in returning certificates of marriage to the office.

“The vestries of the different parishes, a remnant of hierarchical domination, have a right by law to levy money from the people of all denominations for certain purposes, and yet these vestrymen are exclusively required by law to be members of the Episcopal Church, and to subscribe a conformity to its doctrines and discipline as *professed and practiced in England*. Such preferences, distinctions and advantages granted by the Legislature exclusively to one sect of Christians are regarded by a great number of your constituents as glaringly unjust and dangerous. Their continuance so long in a republic, without animadversion or correction by the Assembly, affords just ground for alarm and complaint to a people, who feel themselves, by the favor of Providence, happily free; who are conscious of having deserved as well from the State as those who are most favored; who have an undoubted right to think themselves as orthodox in opinion upon every subject as others, and whose privileges are as dear to them. Such partiality to any system of religious opinion whatever is inconsistent with the intention and proper object of well-directed government, and obliges men of reflection to consider the Legislature which indulges it, as a party in religious differences, instead of a common guardian and equal protector of every class of citizens in their religious as well as civil rights. We have hitherto restrained our complaints from reaching our representatives, that we might not be thought to take advantages from times of confusion, or critical situations of government in an unsettled state of convulsion and war, to obtain what is our clear and incontestable right.

“But as the happy restoration of peace affords leisure for reflection, we wish to state our sense of the objects of this memorial to your honorable house upon the present occasion; that it may serve to remind you of what might be unnoticed in a multitude of business, and remain as a remonstrance against future encroachments from any quarter. That uncommon liberality of sentiment, which seems daily to gain ground in this enlightened period, encourages us to hope from your wisdom and integrity, gentlemen, a redress of every grievance and remedy of every abuse. Our invaluable privileges have been purchas'd by the com-

mon blood and treasure of our countrymen of different names and opinions, and therefore ought to be secured in full and perfect equality to them all. We are willing to allow a full share of credit to our fellow citizens, however distinguished in name from us, for their spirited exertions in our arduous struggle for liberty; we would not wish to charge any of them, either ministers or people, with open disaffection to the common cause of America, or with crafty dissimulation or indecision, till the issue of the war was certain, so as to oppose their obtaining equal privileges in religion; but we will resolutely engage against any monopoly of the honors or rewards of government by any one sect of Christians more than the rest; for we shun not a comparison with any of our brethren for our efforts in the cause of our country and assisting to establish her liberties, and therefore esteem it unreasonable that any of them should reap superior advantages for, at most, but equal merit. We expect from the representatives of a free people that all partiality and prejudice on any account whatever will be laid aside, and that the happiness of the citizens at large will be secured upon the broad basis of perfect political equality. This will engage confidence in government and unsuspecting affection toward our fellow-citizens. We hope that the Legislature will adopt some measures to remove present inequality and resist any attempt, either at their present session or hereafter, to continue those which we now complain of. Thus by preserving a proper regard to every religious denomination as the common protectors of piety and virtue, you will remove every real ground of contention, and allay every jealous commotion on the score of religion. The citizens of Virginia will feel themselves free, unsuspecting and happy in this respect. Strangers will be encouraged to share our freedom and felicity; and when civil and religious liberty go hand in hand, our late posterity will bless the wisdom and virtue of their fathers. We have the satisfaction to assure you that we are steady well-wishers to the State and your humble servants. "THE PRESBYTERY OF HANOVER."<sup>80</sup>

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<sup>80</sup> This memorial is found in the Virginia Archives. Copies are in William H. Foote, *Sketches of Virginia*, pp. 333-334; and in C. F. James, *The Struggle for Religious Liberty in Virginia* pp. 227 ff.

By appointment of the Presbytery, the Rev. John Blair Smith and the Rev. James Waddell were charged with having this memorial properly presented to the Assembly, a duty which these gentlemen discharged to the satisfaction of the Presbytery, as is shown by the minutes of its next meeting.

This paper shows that Hanover Presbytery of May, 1784, is the worthy successor of the body of the same name of 1777. They still make the "distinction between matters purely religious, and the objects of human legislation," they are dissatisfied with the "injurious inequalities respecting things which are connected with religious opinion." "Such partiality to any system of religious opinion whatever, is inconsistent with the intention and proper object of well-directed government." They long to have "civil and religious liberty go hand in hand."

From the beginning of the struggle for separation of Church and State, some of the citizens seem to have favored the State's providing for a general assessment to support all sects. During the year 1784 the subject of a general assessment was freshly brought before the legislature in its two sessions, by petitions: "May 15, 1784: A petition of sundry inhabitants of the County of Warwick, . . . setting forth that, in the present neglected state of religion and morality, they conceive a general assessment would greatly contribute to restore and propagate the holy Christian religion; and praying that an act may pass for the assessment upon all titheables for the support of religion."<sup>31</sup>

June 4, 1784: "*A petition of the Protestant Episcopal Church* was presented to the House and read, setting

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<sup>31</sup> Copy in C. F. James, *The Struggle for Religious Liberty in Virginia*, p. 122.

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, and otherwise produce embarrassment and difficulty; and praying that all acts which direct modes of faith and 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 forever be 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; and in general, that the legislature will aid and patronize the Christian religion."<sup>32</sup>

Patrick Henry was an advocate of a general assessment for the support of religion. The decadence of religion in the presence of spreading French infidelity, occasioned doubts in the minds of liberal statesmen as to the propriety of the non-support of religion by the State. It was generally feared that some kind of assessment would be demanded by the majority of the citizens and passed into an act by the legislature. Under these circumstances the Presbytery, meeting at Timber Ridge, October 27, 1784, approved another memorial, drawn up by the Rev. Messrs. William Graham and John Blair Smith, to be presented to the General Assembly of the State. This memorial states again in various implications the view as to the proper relation of State and Church hitherto maintained by Hanover Presbytery. But on the view that, contrary to this theory, some kind of assessment would be imposed, under-

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<sup>32</sup> C. F. James, *Id.*, p. 124; F. L. Hawks, *Contributions to the Ecclesiastical History of the United States*, Vol. I., pp. 156, 157.

took to indicate that the only tolerable kind of assessment must proceed on so liberal a basis as to provide for the inculcation "*of the great fundamental principles of all religion*" *merely*.

The memorial of October, 1784, is as follows:

*"To the Honorable Speaker and House of Delegates of Virginia:*

"Gentlemen,—The united clergy of the Presbyterian Church of Virginia assembled in Presbytery, beg leave again to address your honorable house upon a few important subjects, in which we find ourselves interested as citizens of this State.

"The freedom we possess is so rich a blessing, and the purchase of it has been so high, that we would ever wish to cherish a spirit of vigilant attention to it in every circumstance of possible danger. We are anxious to retain a full share of all the privileges which our happy Revolution affords, and cannot but feel alarmed at the continued existence of any infringement upon them, or even any indirect attempt tending to this. Impressed with this idea as men, whose rights are sacred and dear to them, ought to be, we are obliged to express our sensibility upon the present occasion, and we naturally direct our appeal to you, gentlemen, as the public guardians of your country's happiness and liberty, who are influenced, we hope, by that wisdom and justice which your high station requires. Conscious of the rectitude of our intentions and the strength of our claims, we wish to speak our sentiments freely upon these occasions, but at the same time with all that respectful regard which becomes us when addressing the representatives of a great and virtuous people. It is with pain that we find ourselves obliged to renew our complaints upon the subjects stated in our memorial last spring. We deeply regret that such obvious grievances should exist unredressed in a republic whose end ought to be the happiness of all the citizens. We presumed that immediate redress would have succeeded a clear and just representation of them, as we expect that it is always the desire of our representatives to remove real grounds of uneasiness and allay jealous commotions amongst the people. But as the objects of the memorial, though very important in their nature, and more so in their probable consequences, have not yet been



obtained, we request that the House of Delegates would be pleased to recollect what we had the honor to state to them in that paper at their last sessions; to resume the subject in their present deliberation; and to give it that weight which its importance deserves. The uneasiness which we feel from the continuance of the grievances just referred to, is increased under the prospect of an addition to them by certain exceptionable measures said to be proposed to the Legislature. We have understood that a comprehensive incorporating act has been and is at present in agitation, whereby ministers of the Gospel, as such, of certain descriptions, shall have legal advantages which are not proposed to be extended to the people at large of any denomination. A proposition has been made by some gentlemen in the House of Delegates, we are told, to extend the grace to us, amongst others, in our professional capacity. If this be so, we are bound to acknowledge with gratitude our obligations to such gentlemen for their inclination to favor us with the sanction of public authority in the discharge of our duty. But as the scheme of incorporating clergymen, *independent of the religious communities to which they belong*, is inconsistent with our ideas of propriety, we request the liberty of declining any such solitary honor should it be again proposed. To form clergymen into a distinct order in the community, and especially where it would be possible for them to have the principal direction of a considerable public estate by such incorporation, has a tendency to render them independent, at length, of the churches whose ministers they are; and this has been too often found by experience to produce ignorance, immorality, and neglect of the duties of their station.

“ Besides, if clergymen were to be erected by the State into a distinct political body, detached from the rest of the citizens, with the express design of ‘enabling them to direct spiritual matters,’ which we all possess without such formality, it would naturally tend to introduce that antiquated and absurd system, in which government is owned, in effect, to be the fountain head of spiritual influences to the Church. It would establish an immediate, a peculiar, and for that very reason, in our opinion, illicit connection between government and such as were thus distinguished. The Legislature in that case would be the head of a religious party, and its dependent members would be entitled to all decent reciprocity, to a becoming paternal and fostering

care. This, we suppose, would be giving a preference and creating a distinction between citizens equally good, on account of something entirely foreign from civil merit, which would be a source of endless jealousies, and inadmissible in a republic or any other well-directed government. The principle, too, which this system aims to establish is both false and dangerous to religion, and we take this opportunity to remonstrate and protest against it. The real ministers of true religion derive their authority to act in the duties of their profession from a higher source than any Legislature on earth, however respectable. Their office relates to the care of the soul, and preparing it for a future estate of existence, and their administrations are, or ought to be, of a spiritual nature, suited to this momentous concern. And it is plain from the very nature of the case that they should neither expect nor receive from government any permission or direction in this respect. We hope, therefore, that the House of Delegates shares so large a portion of that philosophic and liberal discernment which prevails in America at present as to see this matter in its proper light—and that they will understand too well the nature of their duty as the equal and common guardians of the chartered rights of all the citizens to permit a connection of this kind we have just mentioned to subsist between them and the spiritual instructors of any religious denomination in the State. The interference of government in religion cannot be indifferent to us, and as it will probably come under consideration at the present session of the Assembly, we request the attention of the honorable House to our sentiments upon this head.

“We conceive that human legislation ought to have human affairs, as they relate to this world alone for its concern. Legislators in free states possess delegated authority for the good of the community at large in its political or civil capacity.

“The existence, preservation and happiness of society should be their only object, and to this their public cares should be confined. Whatever is not materially connected with this lies not within their province as statesmen. The thoughts, the intentions, the faith, and the consciousness of men, with their modes of worship, lie beyond their reach, and are ever to be referred to a higher and more penetrating tribunal. These internal and spiritual matters cannot be measured by human rules, nor be amenable to human laws. It is the duty of every man, for himself, to take care of his immortal interests in a future state,

where we are to account for our conduct as individuals, and it is by no means the business of a Legislature to attend to this, for there governments and states as collective bodies shall no more be known.

“Religion, therefore, as a spiritual system, and its ministers in a professional capacity, ought not to be under the direction of the State.

Neither is it necessary to their existence that they should be publicly supported by a legal provision for the purpose, as tried experience has often shown; although it is absolutely necessary to the existence and welfare of every political combination of men in society to have the support of religion and its solemn institutions as affecting the conduct of rational beings more than human laws can possibly do. On this account it is wise policy in legislators to seek its alliance and solicit its aid in a civil view, because of its happy influence upon the morality of its citizens, and its tendency to preserve the veneration of an oath, or an appeal to heaven, which is the cement of the social union. It is upon this principle alone, in our opinion, that a legislative body has a right to interfere in religion at all, and of consequence we suppose that this interference ought only to extend to the preserving of the public worship of the deity and the supporting of institutions for inculcating the great fundamental principles of all religion, without which society could not easily exist. Should it be thought necessary at present for the Assembly to exert this right of supporting religion in general by an assessment on all the people we would wish it to be done on the most *liberal plan*. A general assessment of the kind we have heard proposed is an object of such consequence that it excites much anxious speculation amongst your constituents.

“We therefore earnestly pray that nothing may be done in the case inconsistent with the proper objects of human legislation or the Declaration of Rights as published at the Revolution. We hope that the assessment will not be proposed under the idea of supporting religion as a spiritual system, relating to the care of the soul and preparing it for its future destiny. We hope that no attempt will be made to point out articles of faith that are not essential to the preservation of society, or to settle modes of worship, or to interfere in the internal government of religious communities, or to render the ministers of religion independent of the will of the people whom they serve. We expect from our

representatives that careful attention to the political equality of all the citizens, which a republic ought ever to cherish; and that no scheme of an assessment will be encouraged which will violate the happy privilege we now enjoy of thinking for ourselves in all cases where conscience is concerned.

"We request the candid indulgence of the honorable House to the present address, and their most favorable construction of the motives which induce us to obtrude ourselves into public notice. We are urged by a sense of duty. We feel ourselves impressed with the importance of the present crisis. We have expressed ourselves in the plain language of freedom, upon the interesting subjects which called for animadversion, and we hope to stand excused with you, gentlemen, for the manner in which it is executed, as well as for the part we take in the public interests of the community. In the present important moment we conceive it criminal to be silent, and have therefore attempted to discharge a duty which we owe to our religion as Christians; to ourselves as freemen, and to our posterity, who ought to receive from us a precious birthright of perfect freedom and political equality.

"That you may be blessed with the direction of Heaven in your deliberations and possess in a high degree the spirit of your important station, is the prayer of your humble servants.

"THE PRESBYTERY OF HANOVER." <sup>33</sup>

At the same meeting of the Presbytery, a plan was introduced, "agreeably to which alone Presbytery are willing to admit a general assessment for the support of religion by law; the leading principles of which are as follows: First, Religion as a spiritual system is not to be considered as an object of human legislation, but may, in a civil view, as preserving the existence and promoting the happiness of society. Second, That public worship and public periodical instruction to the people, be maintained in this view by a general assessment for this purpose. Third, That every man, as a good citizen, be

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<sup>33</sup> See State Archives, copy in William H. Foote, *Id.*, pp. 536-538; C. F. James, *Id.*, pp. 231-235.

obliged to declare himself attached to some religious community, publicly known to profess the belief in one God, his righteous providence, our accountableness to him, and a future estate of rewards and punishments. Fourth, That every citizen should have liberty annually to direct his assessed proportion to such community as he chooses. Fifth, That twelve titheables, or more, to the amount of one hundred and fifty families, as near as local circumstances will admit, shall be incorporated, and exclusively direct the application of the money contributed for their support."

The Presbytery was led to give reluctant, wavering and inconsistent assent to a hypothetical assessment, because it was *asseverated* that *some form of assessment was inevitable*. It had the courage, be it remembered, to restate by implications and to vindicate the relation of the civil and ecclesiastical powers which it regarded as correct, even while making the concession. Some of the members of Presbytery were highly dissatisfied with the assent, qualified, even though it was. Moses Hoge, afterwards president of Hampden-Sidney College, was one of these.<sup>34</sup>

While the Rev. William Graham, rector of Liberty Hall Academy, and Rev. John Blair Smith, president of Hampden-Sidney, are chiefly chargeable for the contents of this memorial, Mr. Graham seems to have been moved to take the part he did by the conviction that an assessment of some sort was inevitable, since Mr. Patrick Henry advocated it and so many citizens favored it; and even the Rev. John Blair Smith, though he is suspected to have entertained temporarily the scheme with more favor, had the hardihood to make a fling at Mr. Henry, in 1788, for

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<sup>34</sup> See sketch of Moses Hoge, D. D., in William H. Foote, *Sketches of Virginia*, p. 557.

his advocacy of the Assessment Bill of 1784.<sup>35</sup> Their "tolerable" scheme of assessment was unlike others, in that it would have had the State support the Mahomedan sects, etc., as well as the Christian sects, if it felt that it ought to support religion by a general tax. But it was misunderstood by friends and foes, and has been misrepresented down to this day: According to the Journal of the House of Delegates, October session, 1784, the united clergy of the Presbyterian Church expressed the opinion, that, "a general assessment for the support of religion ought to be extended to those who profess the public worship of the deity."<sup>36</sup> Mr. James Madison thought the Presbyterian clergy seemed "as ready to set up an establishment which is to take them in, as they were to put down that which shut them out."<sup>37</sup>

The October Memorial (1784) is the ground on which partisan writers have made such ugly assertions, as that, "The Presbyterians . . . broke ranks and went over to the Episcopalians and Methodists in favor of General Incorporation and General Assessment Bills,"—assertions false in several particulars.

The Presbyterian laity were intolerant of this "tolerable" scheme.<sup>38</sup>

Mr. Bancroft thus characterizes the situation: "The Presbyterians at first were divided. Their clergy, even while they held that human legislation should concern

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<sup>35</sup> William Wirt Henry, *Life, Correspondence and Speeches of Patrick Henry*, Vol. II., p. 333.

<sup>36</sup> William C. Rives *Life and Times of James Madison*, Vol. I., p. 601.

<sup>37</sup> William C. Rives, *idem*, Vol. I., p. 630.

<sup>38</sup> See here, William C. Rives, *idem*, Vol. I., pp. 609 and 630; see also Mr. Bancroft's words incorporated in text.

human affairs alone, that conscience and religious worship lie beyond its reach, accepted the measure, provided it should respect every human belief, 'even of the Mussulman and the Hindoo.' The Presbyterian laity, accustomed to support their own ministry, chose rather to continue to do so."<sup>39</sup>

In the first of these assertions, Mr. Bancroft is incorrect in impliedly teaching that the whole body of the clergy was willing to have the assessment even on *the plan*. A majority of the Presbytery, under the lead of two able members, went so far as to declare that if an assessment was to be had, in order to its being *tolerable*, it must conform to a given plan; and to grant that the exigencies of the State might make such a plan desirable. Even this anticipation of possible defeat of their preferred theory, and the effort to prevent as far as possible injustice in that event, gave profound dissatisfaction to the Presbyterian people.

This dissatisfaction was evinced in various ways. The Presbytery was sharply interrogated at its next meeting, May 19, 1785, as to its meaning in the Memorial of October, 1784. The body was met at Bethel in Augusta County. A petition was presented to the Presbytery from the session of Augusta congregation, requesting an explication of the word "*liberal*, as used in the Presbytery's Memorial of last fall; and also the motives and end of the Presbytery in sending it to the Assembly." . . . "On motion, the opinion of the Presbytery was taken—whether they do approve of any kind of assessment by the General Assembly for the support of religion. *Presbytery are unanimously against such a measure.*"

Meanwhile, a bill for the incorporation of the clergy of

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<sup>39</sup> George Bancroft, *History of the United States*, VI., p. 156.

the Protestant Episcopal Church had been introduced, in the fall of 1784, in the Virginia Legislature; of which Mr. James Madison has given the following description:

“The Episcopal clergy introduced a notable project for re-establishing their independence of the laity. The foundation of it was that the whole body should be legally incorporated, invested with the present property of the Church, made capable of acquiring indefinitely, empowered to make canon and by-laws not contrary to the laws of the land; and incumbents, when once chosen by the vestries, to be irremovable otherwise than by sentence of the convocation. Extraordinary as such a project was, it was preserved from a dishonorable death by the talents of Mr. Henry. It lies over for another session.”<sup>40</sup>

During the same session a bill had been introduced, entitled “*A Bill Establishing a Provision for Teachers of the Christian Religion.*” The preamble was as follows:

“Whereas the general diffusion of Christian knowledge hath a natural tendency to correct the morals of men, restrain their vices and preserve the peace of society, which cannot be effected without a competent provision for learned teachers, who may be thereby enabled to devote their time and attention to the duty of instructing such citizens as, from their circumstances and want of education, cannot otherwise attain such knowledge; and it is judged such provision may be made by the Legislature without counteracting the liberal principle heretofore adopted and intended to be preserved by abolishing all distinctions of pre-eminence among the different societies or communities of Christians.”

This act passed to its third reading. It had the patronage of Patrick Henry. It showed no partiality for one over others of Christian sects. All taxed persons were to declare to what denomination of Christians they would give their support. If they would not specify a

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<sup>40</sup> William C. Rives, *Life and Times of James Madison*, Vol. I., p. 562.



denomination, their assessments were to go to the support of schools of learning in their respective counties.

On its third reading, the engrossed bill was sent out for public examination, and to elicit indications as to the desires of the people.

There was general and free discussion. Hanover Presbytery felt that Presbyterians should speak out. Accordingly, we find the following amongst the minutes of its May meeting, 1785:

“On motion, the opinion of the Presbytery, and likewise of several members of different congregations present was taken, whether a general convention of the Presbyterian body was expedient in our present circumstances. It was unanimously agreed to; and an invitation was accordingly signed by the ministers and several private members of the Presbyterian Church to the whole body, to send representatives to a convention proposed to be held at Bethel, on the 10th day of next August.”

Mr. James Madison learns of this, and speaks much more approvingly of the Presbyterian clergy.

On the 29th of May he writes: “The adversaries to the assessment begin to think the prospect here flattering to their wishes. The printed bill has excited great discussion, and is likely to prove the sense of the community to be in favor of the liberty now enjoyed. I have heard of several counties where the late representatives have been laid aside for voting for the bill, and not a single one where the reverse has happened. The Presbyterian clergy, too, who were, in general, friends to the scheme, are already in another tone—either compelled by the laity of that sect, or alarmed at the probability of farther interference of the legislature if they begin to dictate in matters of religion.”

On the 21st of June he again writes: “A very warm opposition will be made to this innovation (the general

assessment) by the people of the middle and back counties, particularly the latter. They do not scruple to declare it an alarming usurpation on their fundamental rights; and that, though the General Assembly should give it the *form*, they will not give it the validity of a law. If there be any limitation to the power of the legislature—particularly if this limitation is to be sought in our Declaration of Rights, or form of government—I own the bill appears to me to warrant this language of the people.”<sup>41</sup>

The Presbyterian Convention, called to meet in August, 1785, at Bethel, Augusta County, convened at the appointed time. It prepared, chiefly through the hand of William Graham, again, a memorial and sent it forth for signers. This paper expresses the mind and heart of the Presbyterians of the time. Of it their posterity may well be proud. This is the document:

*“To the Honorable the General Assembly of the Commonwealth of Virginia:*

“The Ministers and lay Representatives of the Presbyterian Church in Virginia, assembled in convention, beg leave to address you.

“As citizens of the State, not so by accident, but choice, and having willingly conformed to the system of civil policy adopted for our government and defended it with the foremost at the risk of everything dear to us, we feel ourselves deeply interested in all the measures of the Legislature.

“When the late happy Revolution secured to us an exemption from British control, we hoped that the gloom of injustice and usurpation would have been forever dispelled by the cheering rays of liberty and independence. This inspired our hearts with

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<sup>41</sup> William C. Rives, *Life and Times of James Madison*, Vol. I., p. 630 ff. These “back counties” were strongholds of the Presbyterians.

resolution in the most distressful scenes of adversity and nerved our arm in the day of battle. But our hopes have since been overcast with apprehension when we found how slowly and unwillingly ancient distinctions among the citizens on account of religious opinions were removed by the Legislature. For although the glaring partiality of obliging all denominations to support the one which had been the favorite of government, was pretty early withdrawn, yet an evident predilection in favor of that church still subsisted in the acts of the Assembly. Peculiar distinctions and the honor of an important name were still continued, and these are considered as equally partial and injurious with the ancient emoluments. Our apprehensions on account of the continuance of these, which could have no other effect than to produce jealous animosities and unnecessary contentions among different parties, were increased when we found that they were tenaciously adhered to by government notwithstanding the remonstrances of several Christian societies. To increase the evil a manifest disposition has been shown by the State to consider itself as possessed of supremacy in *spirituals*, as well as *temporals*, and our fears have been realized in certain proceedings of the General Assembly at their last sessions. The engrossed bill for establishing a provision for the teachers of the Christian religion and the act for incorporating the Protestant Episcopal Church, so far as it secures to that church, the churches, glebes, etc., procured at the expense of the whole community, are not only evidences of this, but of an impolitic partiality which we are sorry to have observed so long.

“We therefore, in the name of the Presbyterian Church in Virginia, beg leave to exercise our privilege as freemen in remonstrating against the former absolutely, and against the latter under the restrictions above expressed.

“We oppose the bill,

“Because it is a departure from the proper lines of legislation;

“Because it is unnecessary and inadequate to its professed end—impolitic, in many respects—and a direct violation of the Declaration of Rights.

“The end of civil governments is security to the temporal liberty and property of mankind, and to protect them in the free exercise of religion. Legislators are invested with powers from their constituents for this purpose only and their duty extends no farther. Religion is altogether personal, and the right of

exercising it unalienable, and it is not, cannot, and ought not to be, resigned to the will of the society at large, and much less to the Legislature, which derives its authority wholly from the consent of the people, and is limited by the original intention of civil associations.

“We never resigned to the control of government our right of determining for ourselves in this important article, and acting agreeably to the convictions of reason and conscience in discharging our duty to our Creator. And therefore it would be an unwarrantable stretch of prerogative in the Legislature, to make laws concerning it, except for protection. And it would be a fatal symptom of abject slavery in us were we to submit to the usurpation.

“The bill is also an unnecessary and inadequate expedient for the end proposed. We are fully persuaded of the happy influence of Christianity upon the morals of men, but we have never known it, in the history of its progress, so effectual for this purpose, as when left to its native excellence and evidence to recommend it, under the all-directing Providence of God, and free from the intrusive hand of the civil magistrate. Its Divine Author did not think it necessary to render it dependent on earthly governments. And experience has shown that this dependence, where it has been effected, has been an injury rather than an aid. It has introduced corruption among the teachers and professors of it, wherever it has been tried, for hundreds of years, and has been destructive of genuine morality in proportion to the zeal of the powers of this world in arming it with the sanction of legal terrors or inviting to its profession by honors and rewards.

“It is urged, indeed, by the abettors of this bill that it would be the means of cherishing religion and morality among the citizens. But it appears from the fact that these can be promoted only by the internal conviction of the mind and its voluntary choice, which such establishment cannot effect.

“We further remonstrate against the bill as an impolitic measure:

“It disgusts so large a proportion of citizens that it would weaken the influence of government in other respects, and diffuse a spirit of opposition to the rightful exercise of constitutional authority, if enacted into a law.

“It partially supposes the Quakers and Menonites to be more

faithful in conducting the religious interests of their societies than the other sects—which we apprehend to be contrary to fact.

“It unjustly subjects men who may be good citizens, but who have not embraced our common faith, to the hardship of supporting a system they have not as yet believed the truth of, and deprives them of their property, for what they do not suppose to be of importance to them.

“It establishes a precedent for farther encroachments by making the Legislature judges of religious truth. If the Assembly have a right to determine the preference between Christianity and the other systems of religion that prevail in the world, they may also, at a convenient time, give a preference to some favored sect among Christians.

“It discourages the population of our country by alarming those who may have been oppressed by religious establishments in other countries with fears of the same in this, and by exciting our own citizens to emigrate to other lands of greater freedom.

“It revives the principle which our ancestors contested to blood, of attempting to reduce all religions to one standard by the force of civil authority.

“And it naturally opens a door for contention among citizens of different creeds and different opinions respecting the extent of the powers of government.

“The bill is also a direct violation of the Declaration of Rights, which ought to be the standard of all laws. The sixteenth article is clearly infringed upon by it, and any explication which may have been given of it by the friends of this measure in the Legislature so as to justify a departure from its literal construction might also be used to deprive us of other fundamental principles of our government.

“For these reasons and others that might be produced we conceive it our duty to remonstrate and protest against the said bill, and earnestly urge that it may not be enacted into a law.

“We also wish to engage your attention a little farther while we request a revision of the act for incorporating the Protestant Episcopal Church, and state our reasons for this request. We do not desire to oppose the incorporation of that church for the better management of its *temporalities*; neither do we wish to lessen the attachment of any of the members of the Legislature in a private capacity to the interests of that church. We rather wish to cultivate a spirit of forbearance and charity towards the

members of it, as the servants of one common Master who differ in some particulars from each other. But we cannot consent that they shall receive particular notice or favor from government as a Christian society, nor peculiar distinctions or emoluments.

“We find by the act that the convenience of the Episcopal Church has been consulted by it, in the management of their interests as a religious society at the expense of other denominations. Under the former establishment there were perhaps few men who did not at length perceive the hardships and injustice of a compulsory law, obliging the citizens of this State by birth-right free, to contribute to the support of a religion from which their reason and conscience obliged them to dissent. Who then would not have supposed that the same sense of justice which induced the Legislature to dissolve the grievous establishment would also have induced them to leave to common use the property in churches, glebes, etc., which had been acquired by common purchase.

“To do otherwise was, as we conceive, to suppose that long prescription could sanction injustice, and that to persist in error is to alter the essential difference between right and wrong. As Christians also, the subjects of Jesus Christ, who are wholly opposed to the exercise of spiritual powers by civil rulers, we conceive ourselves obliged to remonstrate against that part of the incorporating act which authorizes and directs the regulation of spiritual concerns. This is such an invasion of Divine prerogative, that it is highly exceptionable on that account, as well as on account of the danger to which it exposes our religious liberties. Jesus Christ hath given sufficient authority to his Church for every lawful purpose, and it is forsaking his authority and direction for that of fallible men, to expect or to grant the sanction of civil law to authorize the regulation of any Christian society. It is also dangerous to our liberties, because it creates an invidious distinction on account of religious opinions, and exalts to a superior pitch of grandeur, as the Church of the State, a society which ought to be contented with receiving the same protection from government which the other societies enjoy, without aspiring to superior notice or regard. The Legislature assumes to itself by that law the authoritative direction of this church in spirituals, and can be considered in no other light than its head, peculiarly interested in its welfare; a matter which cannot be indifferent to us, though this authority has only as yet

been extended to those who have requested it or acquiesced in it. This Church is now considered as the only regular church in the view of the law, and it is thereby raised to a state of unjust pre-eminence over others. And how far it may increase in dignity and influence in the State by these means at a future day, and especially when aided by the emoluments which it possesses and the advantages of funding a very large sum of money without account, time alone can discover. But we esteem it our duty to oppose the act thus early, before the matter be entangled in precedents more intricate and dangerous. Upon the whole, therefore, we hope that the exceptionable parts of this act will be repealed by your honorable House, and that all preferences, distinctions and advantages contrary to the fourth article of the Declaration of Rights will be forever abolished.

"We regret that full equality in all things and ample protection and security to religious liberty were not incontestably fixed in the constitution of the government. But we earnestly request that the defect may be remedied as far as it is possible for the Legislature to do it by adopting the bill in the revised laws for establishing religious freedom. (Chap. LXXXII. of the report.)

"That Heaven may illuminate your minds with all that wisdom which is necessary for the important purpose of your deliberation is our earnest wish. And we beg leave to assure you that however warmly we may engage in preserving our religion free from the shackles of human authority and opposing claims of spiritual domination in civil powers we are zealously disposed to support the government of our country and to maintain a due submission to the lawful exercise of its authority.

"Signed by order of the Convention.

"JOHN TODD, *Chairman.*

"Attest, DANIEL McCALLA, *Clerk.*

BETHEL, AUGUSTA COUNTY, 13th August, 1785."<sup>42</sup>

Under the stimulus of the opposition to the Bill of Assessment, Mr. Madison prepared his "Masterly" "Me-

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<sup>42</sup>*In Virginia State Archives. Copy in Foote's Sketches of Virginia, pp. 342-344; also in C. F. James, The Struggle for Religious Liberty in Virginia, pp. 236-240.*

morial and Remonstrance" to the legislature against the bill. Madison, "whom Witherspoon had imbued with theological lore,"<sup>43</sup> with his political philosophy and his practical spirit, discussed the question of an establishment of religion by law, from every possible point of view—of natural right, the inherent limitations of the civil power, the interests of religion itself, the genius and precepts of Christianity, the warning lessons of history, the dictates of a wise and sober policy—and treated them all with a consummate power of reasoning, and a force of appeal to the understandings and hearts of the people, that bore down every opposing prejudice, and precluded reply. It was diffused extensively throughout the State, and was rapidly covered with the signature of voters.

"When the Assembly met in October, the table of the House of Delegates almost sank under the weight of the accumulated copies of the memorials sent forward from the different counties, each with its long and dense columns of subscribers. The fate of the assessment was sealed. The manifestation of the public judgment was too unequivocal and overwhelming to leave the faintest hope to the friends of the measure. It was abandoned without a struggle."<sup>44</sup>

December 17th, an engrossed bill, entitled "An Act for the Establishment of Religious Freedom," passed the House. This bill was Mr. Jefferson's bill, with some "mutilations in the preamble."

The following is the bill:

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<sup>43</sup> George Bancroft, *History of the United States*, Vol. VI., p. 156.

<sup>44</sup> William C. Rives, *Life and Times of James Madison*, Vol. I., pp. 632.



## "AN ACT FOR ESTABLISHING RELIGIOUS FREEDOM."

"Whereas, Almighty God hath created the mind free; that all attempts to influence it by temporal punishments or burdens, or by civil incorporations, tend only to beget habits of hypocrisy and meanness, and are a departure from the plan of the Holy Author of our religion, who, being Lord both of body and mind, yet chose not to propagate it by coercions on either, as was in his almighty power to do; that the impious presumptors of legislators and rulers, civil and ecclesiastical, who being themselves but fallible and uninspired men, have assumed dominion over the faith of others, setting up their own opinions and modes of thinking as the only true and infallible, and as such endeavoring to impose them on others, hath established and maintained false religions over the greater part of the world and through all time; that to compel a man to furnish contributions of money for the propagation of opinions which he disbelieves is sinful and tyrannical; that even the forcing him to support this or that teacher of his own religious persuasion is depriving him of the comfortable liberty of giving his contributions to the particular pastor whose morals he would make his pattern, and whose powers he feels most persuasive to righteousness and is withdrawing from the ministry those temporary rewards which, proceeding from an approbation of their personal conduct, are an additional incitement to earnest and unremitting labors for the instruction of mankind; that our civil rights have no dependence on our religious opinions any more than our opinions in physics and geometry; that, therefore, the prescribing any citizens as unworthy of public confidence by laying upon him an incapacity of being called to offices of trust or emolument, unless he profess or renounce this or that religious opinion is depriving him injuriously of those privileges and advantages to which in common with his fellow citizens he has a natural right; that it tends only to corrupt the principles of that religion it is meant to encourage by bribing with a monopoly of worldly honors and emoluments those who will externally profess and conform to it; that though indeed those are criminal who do not withstand such temptations, yet neither are those innocent who lay the bait in their way; that to suffer the civil magistrate to intrude his power into the field of opinion, and to restrain the profession or propagation of principles on supposition of their ill tendency is a dangerous fallacy, which at once destroys all re-

ligious liberty, because he being, of course, judge of that tendency, will make his opinions the rule of judgment and approve or condemn the sentiments of others only as they shall square with or differ from his own; that it is time enough for the rightful purposes of civil government for its officers to interfere when principles break out into overt acts against peace and good order, and, finally, that truth is great, and will prevail, if left to herself; that she is the proper and sufficient antagonist to error, and has nothing to fear from the conflict, unless by human interposition disarmed of her natural weapons, free argument and debate, error ceasing to be dangerous when it is permitted freely to contradict them.

" 2d. *Be it enacted by the General Assembly*, That no man shall be compelled to frequent or support any religious worship, place or ministry whatsoever, nor shall be enforced, restrained, molested or burthened in his body or goods, nor shall otherwise suffer on account of his religious opinions or belief; but that all men shall be free to profess, and, by arguments, maintain their opinion in matters of religion, and that the same shall in no wise diminish, enlarge or affect their civil capacities.

" 3d. And though we well know that this Assembly, elected by the people for the ordinary purposes of legislation only, have no power to restrain the acts of succeeding Assemblies, constituted with powers equal to our own; and that, therefore, to declare this act to be irrevocable, would be of no effect in law; yet we are free to declare, and do declare, that the rights hereby asserted are of the natural rights of mankind, and that if any act shall be hereafter passed to repeal the present or to narrow its operation, such act will be an infringement of natural right."

The principles of this statute were carried by James Madison into the Constitution of the United States, by its first amendment, which contained the provision that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."

Concerning the relation of Mr. Madison to the ten amendments to the Constitution of the United States ratified in 1791, Mr. William C. Rives well says: "Nothing short of the high standing of Mr. Madison in the public

councils, and the deference accorded to his opinions and his virtues, could have secured a favorable reception for propositions so counter to the prepossessions of the body to which they were addressed."<sup>45</sup> But Mr. Madison, great friend as he was of religious liberty and ready to form bulwarks for its protection, was, at first, indisposed to the amendments. "Until he met Mr. Henry in debate on the floor of the Virginia Convention (called to consider the Federal Constitution), Mr. Madison had manifested no disposition to amend the Constitution. Pressed by the arguments of Mr. Henry, he agreed to advocate amendments in order to secure ratification. Afterwards, when defeated for the Senate by Mr. Henry, and having to carry a district demanding amendments, he was forced to pledge himself to his constituents to advocate them, in order to secure his election. It was thus, by the influence of Mr. Henry, the great leader of the anti-Federalists, that he was driven to the course he pursued, and in which he dared not halt. While he disobeyed the command of the Virginia Convention, in not offering all the amendments that body proposed, yet what he accomplished may well be set down as so much to the credit of Mr. Henry and the earnest men who acted with him. And it is doubtless true, as Mr. Madison said, that he accomplished all that it was possible for him to do, even if he had approved of and urged all the amendments proposed by Virginia."<sup>46</sup>

Thus, the man who had put the world into his debt for the plank on religion in Mason's draft of the Virginia

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<sup>45</sup> William C. Rives, *Life and Times of James Madison*, Vol. III., p. 40.

<sup>47</sup> William Wirt Henry, *Life and Correspondence and Speeches of Patrick Henry*, Vol. I., pp. 445 ff.

Bill of Rights, shares largely in the honor with Mr. Madison, in putting it, as perfected by the latter, into the Constitution of the United States.

The neutral religious character of the Constitution of the United States co-worked with the influences which had availed to give it this character, to delete, by degrees, the provisions which implied the obligations to a particular religion, inwrought into the organic laws of the older States.

Thus the principles which Virginia Presbyterians had done so much to further, triumphed throughout the country. "The separation of the Church and the State by the establishment of religious equality was followed by the wonderful result that it was approved of everywhere, always and by all."<sup>47</sup>

Presbyterians are not entitled to exclusive praise. Did not the Episcopal Church furnish a considerable quota, in the course of the struggle, to aid in the process of disestablishing their own church? Did they not furnish heroic and able leaders? It is conceded by all that the Baptists did yeoman service in the cause. But it is clear that the great mass of Presbyterians were *always true* to the cause; that they generally furnished the effective leadership in the fight for it; that they excelled in the pleas which were put forth in behalf of "soul liberty;" and that they made the largest contribution to the education, severally, of Mr. Patrick Henry, and Mr. James Madison, the great statesmen, who, more than any other statesmen of the time, wrought successfully to the legal and constitutional recognition of religious liberty. They made a struggle toward and for religious liberty, which,

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<sup>47</sup> George Bancroft, *History of the United States*, Vol. VI., p. 123

for length, persistence, tactfulness, resourcefulness, efficiency and general consistency, united with a regard for the rights of others, challenges the highest admiration.

It may well be believed that had Presbyterians been in the majority in Virginia, they would have given to the people full religious liberty much more quickly. "Nor was the demand by Presbyterians for equality confined to Virginia, where they were in a minority," says Mr. Bancroft; "it was from Witherspoon, of New Jersey, that Madison imbibed the lesson of perfect freedom in matters of conscience. When the Constitution of that State was framed by a convention composed chiefly of Presbyterians, they established perfect liberty of conscience without the blemish of a test."<sup>48</sup>

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<sup>48</sup>George Bancroft: *History of the United States*, Vol. VI. p. 123.



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