

To the Honourable, the Speaker & Gentlemen of the House of De-

The Petition of the Inhabitants of the County of Surry Humbly sheweth: That, when your Honourable House published a Bill obliging the Inhabitants of this Commonwealth's Teachers of the Christian Religion, and have required their Opinions concerning it — your Petitioners therefore do most earnestly declare against it; believing it to be contrary to the Gospel and the Bill of Rights, certain it is, that, the Blessed Author of our Religion had maintained his Gospel in the World for several Hundred Years, not only without aid of civil power, but against all the powers of the Earth; The excellent purity of its precepts, and the behaviour of its Ministers (with divine Blessing) made its way through all opposition; We are better for the Church when Constantine first Established Christianity by human Law, there was rest from persecution; but how soon was the Church overrun with error, superstition, immorality; how unlike were Ministers then, to what they were in times past, both in Doctrine, principle, and purity; but it is said that Religion has taken its flight, and that Deism's baneful Influence is spreading itself over the State, if so it must be owing to other causes, and not to the want of Religious establishment; let your Law punish the Vices and Immorality of the People, let there not be wanting such Men placed in Authority, who by their pious examples, will recommend themselves by their Faithfulness shall scourge the growing Vices of the age, let Ministers manifest to the People that they are inwardly moved by the Holy Ghost to take upon them that Office: that they seek the good of the People, and not worldly Interests; let their doctrine be scriptural & their lives upright then shall religion flourish, and Deism be put to open shame, and its dreaded consequences speedily prevented.

But what valuable purpose would such a settlement answer, would it introduce any more useful Men into the Ministry? surely not; Those whom divine grace hath called to that work, will do their highest Honour to do his pleasure: On the contrary it might call in many healings whose chief Motive would be Temporal Interest, That Religious establishment & government is linked together, and cannot stand without the former, is something new, Methinks the State of Pennsylvania where Religious establishment hath taken place, their Government stands firm & which of the Neighbouring States has the most Numbers of brighter Morals or more upright Character. That it is against our Bill of Rights, which declares that all men by nature are born equally free, so no person in this Commonwealth shall enjoy exclusive Privileges or Monopolies, except for Services rendered the State, shall not those Men who are not professors of the Christian Religion, who were in the State at the passing of this Bill and others who have been invited since by the benefit held out to them shall be obliged to support the Christian Religion, think that such obligation is a departure from the true meaning of it — Finally if such a Law is against the spirit of the Gospel, if Christ's Kingdom has never been a means of Prospering the Gospel, but against all the powers of the world supported it, it has never been a means of Prospering the Gospel, if no more Faithfull Men would be called in to the Ministry by it: If it would ^{not} revive decayed Religion & stop the Growth of Deism, or serve the purposes of your Bill against the Bill of Rights; which your Petitioners believe — They trust the wisdom & uprightness of your Honourable House will leave them entirely free in matters of Religion and the manner of Supporting its Ministers. We shall ever pray

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DEBRA R. NEILL

The Disestablishment of Religion in Virginia

Dissenters, Individual Rights, and the Separation of Church and State

The long battle over religious establishments in Virginia culminated with the passage of Jefferson's famous Statute for Establishing Religious Freedom in 1786. This outcome could not have been predicted in 1776 when the colony declared independence. Political and religious power rested firmly in the grip of members of the established Church of England. From all appearances, Virginia was set to be one of the most conservative states of the newly independent nation, but the Revolutionary War opened the way for radical change. An unlikely alliance between rationalist, such as James Madison, and pious religious dissenters challenged the traditional order and made Virginia a beacon of religious liberty.

Given its unique role in establishing religious liberty, Virginia remains at the center of the current debate over religious liberty and the meaning of the First Amendment. Looming large in this debate are the high-profile statesmen Thomas Jefferson and James Madison. Largely absent from this story has been the equally important role of their religious allies. There are only a few serious historical works addressing the dissenters' role in disestablishing religion in the states during and after the Revolutionary War. One of the first was William G. McLoughlin's seminal work, *New England Dissent, 1630–1833*, but the first serious historical study of the dissenters in Virginia was undertaken by Thomas E. Buckley in *Church and State in Revolutionary Virginia*. Both McLoughlin and Buckley characterized the dissenters' vision

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as one that rejects government intervention in religious affairs, while “expect[ing] that government, in caring for the general welfare, would institutionalize certain Christian norms and values.” In contrast to this religion-focused interpretation of the dissenters, the historian John A. Ragosta, in *The Wellspring of Liberty*, portrays the Virginia dissenters as warriors in the struggle for a religious liberty that rests on the separation of religion from government.¹

In contrast to historians, legal scholars have been more enthusiastic about investigating the dissenters’ role in the process of disestablishment of religion from 1776 to 1833. This is primarily because these scholars see the dissenters as allies in rejecting a strict separation of church and state. Those who fall in this camp can be broadly categorized as “accommodationists,” those who advocate for the accommodation of religious belief in public policy. To boost the credibility of their accommodationist interpretations, they argue that, as the primary force in the push to disestablish religion, the pious dissenters should carry more weight than rationalists in the interpretation of the First Amendment. Like McLoughlin and Buckley, these accommodationists insist that the dissenters sought a different type of separation from the rationalists. In their view, the dissenters had a vision of religious liberty that was grounded in their concern for the future of the church and a desire to permeate society with the Christian gospel. As Carl H. Esbeck contends, they “were religious people who sought disestablishment for (as they saw it) biblical reasons.” By citing the dissenters’ religious-focused arguments and language in their works, these scholars have constructed a compelling narrative of the dissenting vision of religious freedom that is compatible with an accommodationist church-state arrangement.²

Although accommodationists disagree on the extent and scope of the dissenters’ willingness to accommodate religion, they agree on the basic outlines of the dissenting vision of religious liberty. In their view, the dissenters built their church-state vision based on two guiding principles: the equality of all religions or denominations (Christian or Protestant) and a ban on government intervention in religious affairs. The former implies that laws supporting religion are acceptable as long as all religions are treated equally. The latter leaves religion free to influence the government, even as the government is prevented from intervening in church affairs.³

This interpretation of the pious dissenting position is possible because the accommodationists have decoupled the issue of individual rights from that of disestablishment. To the dissenters, they insist, the free exercise of religion is an individual right, whereas the issue of disestablishment is simply about achieving the equality of all religious societies and protecting the church. If true, this would leave religious institutions and individuals free to impose religion by law. Consequently, the accommodationists ignore, downplay, and even dismiss the dissenters' appeals to individual rights as the basis for disestablishing religion. When the dissenters' rights talk is taken seriously, a different vision of their views on church-state relations emerges. By ignoring the dissenters' statements on rights, the accommodationists offer a misleading depiction of their views. This article examines the dissenters' view of religious liberty and demonstrates that individual rights were central to their campaign against all establishments of religion. Though their motives were different, the dissenters' views on the proper relationship between religion and government were much more closely aligned with their rationalist allies than has been claimed.

THERE WERE THREE IMPORTANT PERIODS on the path to religious liberty in Virginia that shed light on the dissenters' conception of church-state relationships. The first phase began with the declaration of independence and the creation of Virginia's first constitution in 1776. This new constitution gave the dissenters the ammunition needed to legally challenge the established Church of England (soon renamed the Protestant Episcopal Church). They were freed from religious taxes in 1776, but the remaining privileges of the established Church meant that the dissenters' campaign was far from over. They expressed their dissatisfaction in petitions to the legislature and newspaper articles with little success. It was not until 1779 that the legislature took up the issue of religion again. But rather than establishing religious freedom as Jefferson attempted to do, in this second phase the legislature tried to push through a general assessment to support religion. The effort failed, but it alarmed the dissenters as they continued to petition the General Assembly. A period of stasis on the subject of religion followed, as the more immediate needs of the war took precedence. The final phase began as the Revolutionary War came to a close, when conservatives began pushing once

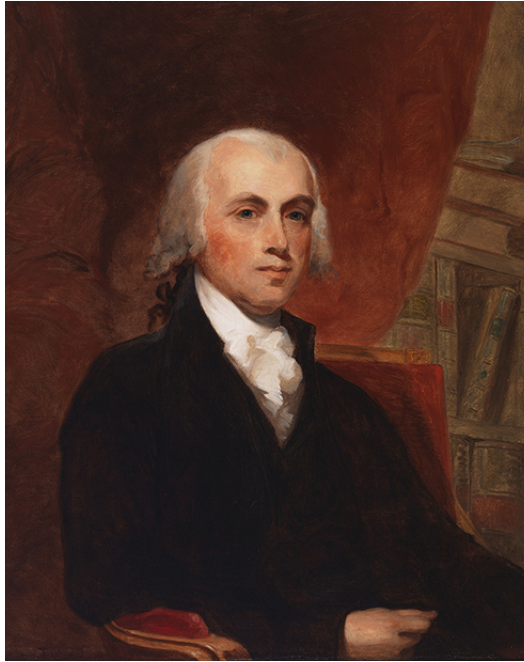
again for a general assessment to support religion. In 1785, a proposed bill for this purpose was circulated for public comment. The proposal proved so controversial that the bill was dead even before the legislative session began. Taking advantage of the anti-establishment mood, young James Madison pushed through Jefferson's Statute for Establishing Religious Freedom.

THE DEMOGRAPHIC MAKEUP OF THE VIRGINIA COLONY began to change in the 1730s during the height of the Great Awakening as Presbyterians and Baptists began arriving in large numbers. Although these dissenters had been given freedom to practice their religion, they still faced religious restrictions, second-class status, and even physical abuse from the Anglican majority. The brunt of this abuse fell on the Baptists, whose preachers frequently defied the law requiring them to obtain a license to preach. As a result, they were subjected to fines, beatings, and imprisonment. But this type of abuse did not go unchallenged. Idealistic James Madison was so repulsed by mistreatment of the Baptists that he complained to his friend William Bradford, "That diabolical Hell conceived principle of persecution rages among some and to their eternal Infamy the Clergy can furnish their Quota of Imps for such business. This vexes me the most of any thing whatever."⁴

After declaring independence in 1776, the Virginia Convention was given the difficult task of creating a new constitution in accordance with the principles of the Revolution. Key to this project was establishment of essential rights. Responsibility for drafting a Declaration of Rights fell to the distinguished statesman George Mason. As one of the first such declarations in the newly independent states, it was widely praised, and as such it became the model for other states. Steeped in Enlightenment thought, the skilled statesman drafted a powerful document that so captured the mood of the times, only two changes were made by the other delegates. But one of those changes had profound implications for the fate of established religion.

The original version of the article (Article 16) concerning religion stated that "all Men should enjoy the fullest Toleration in the Exercise of Religion, according to the Dictates of Conscience." Although mostly agreeable to the other delegates, this was challenged by freshman statesman James Madison, with the help of his future nemesis, Patrick Henry. It was the language of toleration that Madison found particularly objectionable; to him, toleration

James Madison (1751–1836) was an important ally of religious dissenters in the fight for religious liberty. During the heated battle over religious assessments in 1785, he wrote his famous *Memorial and Remonstrance Against Religious Assessments*, which, along with the numerous dissenters' petitions, not only defeated the attempt to establish a religious assessment for the support of religion but also gave him the momentum he needed to pass Jefferson's bill for Establishing Religious Freedom. (*Virginia Historical Society, 1856.2*)



implied inequality and privilege. Therefore, Madison proposed the following replacement: “all men are equally entitled to the full and free exercise of it [religion] accord[in]g to the dictates of Conscience.” In this, Madison was demanding full and equal religious liberty, not mere toleration. In his *Autobiographical Notes*, he claimed that this indicated the free exercise of religion was “a natural and absolute right.” As such, this right would be off-limits to the legislature, and thus free from its whims and prejudices. But what made Madison’s version transformative was its use of the word “equally.” If everyone was equal, then it followed that no one’s religious opinions could be singled out for special favors or punishment by the government.⁵

In keeping with this principle, Madison’s second proposed change flowed from his first. He suggested replacing Mason’s “unpunished and unrestrained by the Magistrate” with “no man or class of men ought, on account of religion to be invested with peculiar emoluments or privileges; nor subjected to any penalties or disabilities.” This proposal was rejected because his colleagues balked at the idea that one’s religion could not be the basis for any

“peculiar emoluments or privileges.” In other words, they wanted to keep their privileges as members of the established Church of England. In the end, the committee accepted the first change and rejected the second. What they failed to realize was that the second clause followed from the first. This fact was not lost on the dissenters, who immediately after its implementation began demanding the disestablishment of the newly dubbed Protestant Episcopal Church in accordance with the Declaration of Rights.⁶

Whereas a few years earlier the dissenters would have been content with mere toleration, they now had a powerful weapon to push for something more valuable: religious liberty. Another article in the declaration (Article 4), which declared that “no man, or set of men, are entitled to exclusive or separate emoluments or privileges,” provided further ammunition in pursuit of this goal. The dissenters began drawing up petitions to be presented to the new General Assembly that fall. Of the twelve petitions submitted on the subject of religion, at least eight demanded disestablishment of the Episcopal Church. Two pro-establishment petitions were also submitted, one from the Episcopal clergy and the other from the Methodists, who at this point still considered themselves part of the established church.⁷

On the anti-establishment side, the Presbyterians, already well-seasoned in the art of petitioning for civil and religious liberties, submitted one petition that claimed to speak for all Virginia Presbyterians and two from Presbyterians in the counties of Prince Edward and Augusta. Accomplished men who had been well-prepared for just such a fight led this effort. The Hanover Presbytery, which oversaw the Presbyterian Churches of Virginia, included a significant number of graduates of the College of New Jersey (Princeton), one of the most progressive colleges of Enlightenment thought under the leadership of Scottish Presbyterian minister John Witherspoon. Among its most distinguished graduates was James Madison, who attended at approximately the same time as many of the Hanover Presbyterians, such as Caleb Wallace, John Blair Smith, and William Graham.

In preparation for the upcoming session of the newly created General Assembly, the Hanover Presbyterians had drawn up a petition protesting against the establishment. The author of the petition is believed to have been Caleb Wallace, the esteemed clerk of the Presbytery. Imbued with the same zeal for religious liberty and as steeped in new Enlightenment learning as



Nassau Hall, the original building of what is now Princeton University, was built in 1756. In the late eighteenth century, Presbyterian College of New Jersey counted among its students James Madison and many Presbyterian leaders of Virginia who were central to the project of disestablishment, including Caleb Wallace (1742–1814), Samuel Stanhope Smith (1750–1819), John Blair Smith (1756–1799), and William Graham (1746–1799). (*Public Domain*)

Madison, Wallace was the ideal candidate to write the document. Presented to the House on 24 October, the Hanover petition was a sincere and thoughtful work that made the case for religious liberty. Rather than a document that pled for disestablishment for biblical reasons, the Hanover petition used the language of Enlightenment rationalism and justified the leadership’s opposition to establishments on the grounds that they violated natural rights. Consequently, the Hanover leadership opened their memorial complaining that they had been denied their equal rights. They had long “submitted to several ecclesiastical burdens, and restrictions, that [were] inconsistent with equal liberty,” including the mandate to pay taxes in support of the establishment, which was “confessedly so many violations of their natural rights, and in their consequences a restraint upon freedom of inquiry and private judgment.”⁸

Beyond the denial of rights, they noted that establishments were “highly injurious to the temporal interests of any community” because they discouraged immigration. It was only in the closing paragraph, where they expressed their hope that “the great Sovereign of the Universe” would inspire the legislators “with unanimity, wisdom and resolution,” that any hint of their religiosity appeared. However, this sentiment was not connected to their argument against establishments. The only religion-based argument in the petition was the claim that “the gospel” did not need the support of the civil government. Obviously, they were concerned about religion, but to them protecting rights was the best way to protect religion, as they duly noted, “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.” Wallace, along with his petition, was sent to the General Assembly to ensure that the Presbyterian plea would be taken seriously. In this endeavor, Wallace had a powerful ally in the House of Delegates: Thomas Jefferson. Madison, who Wallace knew from college and with whom he most certainly consulted, as freshman legislator was not yet the revered statesman he would become.

The sentiments of the Presbyterian laity were also represented by the two heavily Presbyterian counties of Prince Edward and Augusta. The Prince Edward petition opened with a strong statement praising “the last article of the Bill of Rights [Article 16],” which it called “the rising Sun of religious liberty.” The author(s) of the petition welcomed this relief “from a long Night of ecclesiastical Bondage.” Sounding like their rationalist allies, they requested that the House “raise Religious as well as Civil liberty to the zenith of glory,” which would “make Virginia an asylum for free enquiry, knowledge, and the virtuous of every Denomination.” To achieve this, they demanded that “all Church establishments” be pulled down and that “ALL burdens upon conscious and private judgment [be] abolished” so that “each Individual” could “rise or sink according to his merit.” This demand went far beyond a request to end the burden of religious assessments, as some have claimed. The substance of the petition was a plea to abolish all establishments because they violated Presbyterians’ rights. As with the Hanover petition, the only religious language appeared at the end, where they requested that the legislature “leave our Lord Jesus Christ the Honour of being the

Sole Lawgiver and Governor in his Church, and everyone in the Things of Religion stand or fall to HIM.” This was hardly a plea for accommodating religion. It was a bold plea to end government entanglement in matters of religion.⁹

The petition from Augusta County declared that the privileges of the established church imposed an “unequal Burden” and was “Inconsistent with Justice, & with that Virtuous Civil as well as religious Liberty that every Christian would wish to enjoy for Himself and that ought to be the portion of Every Good member of Society.” Notice the use of the universal “every Good member of Society” at the same time as the limited “every Christian.” Either the author(s) did not notice the contradiction, or they thought all citizens were Christians, which was practically true. Either way, their goal was “relief” from “such partial discriminating Impositions.”¹⁰

Unlike the Presbyterians, the Baptists had a long tradition of advocating for the separation of church and state that they inherited from the English Baptists and Roger Williams, who had been banished from the Massachusetts Bay Colony for insisting that the government stay out of matters of religion. The revolution provided Virginia Baptists with the opportunity to finally achieve this long-desired goal. To this end, they organized a petition drive that resulted in what became known as the “10,000 name” petition, an impressive number for the time. Some Presbyterians, and even some Anglicans, joined the Baptists in signing the popular petition.¹¹

The petition informed the House of Delegates that the signatories’ hopes had “been raised and confirmed by the Declaration of Rights” with regard “to equal Liberty. EQUAL LIBERTY!” which they believed was the “Birthright of every good member of society.” Just as the Presbyterians had, the Baptists were seeking more than just an end to public support of the established church. They wanted “every other yoke” of religious oppression to “be broken” so that “the oppressed may go free.” In their view, any law imposing a burden on individuals or groups based on religious opinions had to go. In addition, they also requested that all denominations be put on the same level so that “Animosities may cease.” This was not a nonpreferentialist plea for public support of all denominations. They insisted that the role of government did not extend to religious matters except “to support them in their just Rights and equal privileges.”¹²

The remaining petitions similarly grounded their claims for disestablishment in individual rights. For example, the “Dissenters of Tuscarora Congregation” declared, “The Ecclesiastical Establishment is what your petitioners have ever looked upon as a grievous Burden & inconsistent with the rights of humanity either Civil or religious.” They also asserted that it “unavoidably follow[ed]” from Article 16 that “No Laws which are indefensible & incompatible with the rights of Conscience should be Suffered to remain unrepealed.” They did not say which laws, but they clearly wanted more than an end to the privileged status of the Episcopal Church. They “conceive[d] the rights of human Nature (& religious Liberty in its fullest extent is one of these) would never lie at the mercy of any [legislature], but on the Contrary should have every protection & Ground of Security which Laws & the Policy of free States can give them.” In other words, the role of the legislature was to protect them in their religious rights rather than coerce them in matters of religion.¹³

Another petition informed the legislature that they had hoped the new government “would secure just & equal Rights to the Subjects,” which they contended “would be the Choice of every Individual.” From this, it would follow that “all should enjoy equal Privilege.” Therefore, they requested that the legislature “put every religious Denomination on an equal footing, to be supported by themselves independent of one another.” In isolation, this statement might be mistaken for a request for a nonpreferential establishment, but as part of a larger statement it becomes clear that the equality of all religious societies was simply the natural corollary of the individual equality they were seeking. They wanted no establishments of religion, not even a nonpreferential one.¹⁴

Protest against establishments was not limited to petitioning the legislature. Some took to the press to express their grievances. On 18 October, a commentary from “several companies of militia and freeholders” from Augusta County appeared in the *Virginia Gazette*. They reasoned that they all deserved “*equal liberty*” since all denominations were sharing the burden of the war. Article 16, they continued, was meant to prevent the “favouring [of] some to the hurt of others.” They demanded equality for “all religious denominations” as well as “that no religious fact whatever be established in this commonwealth.” Although these primarily Presbyterian “freeholders”

spoke in terms of the equality of sects, this principle flowed from the equality of all individuals and should not be taken as an appeal for a non-preferentialist system.¹⁵

On 8 November an anonymous article entitled, “Queries on the Subject of Religious Establishments,” appeared in the *Virginia Gazette*. William H. Whitsitt speculates that the author was Caleb Wallace, in part because of the similarity between it and the earlier petition Wallace had written for the Presbytery of Hanover. However, the language, structure, and the overtly Lockean nature of the *Virginia Gazette* article is distinct from Wallace’s work. Nonetheless, the author is most likely a dissenter given the fact that he is concerned about the corrupting influence of establishments on “publick teachers” of religion. The anonymous author begins by grounding his argument in the state of nature, where “any man, or collection of men, might embrace what doctrines of faith, and worship the deity in what form they pleased, without interfering with the same, or any other natural right of their neighbors.” Thus, the magistrate had no authority to “prescribe articles of faith, or regulate their religious conduct.” He then went on to highlight the fact that the social contract gives everyone equally “the right of choosing and acting for himself in what relates to religion and conscience.” From there it necessarily follows “that every individual is equally entitled to protection in the exercise of this [religion].” To make citizens support a partial institution in a government grounded on individual equality is unjust.¹⁶

This author unequivocally demanded the end of all establishments because they deny the natural rights of individuals. He also rejected a Protestant nonpreferential establishment, because Protestants have no more claim to “civil pre-eminence” than any other religion. And contrary to long-standing assumptions about the need for state-supported religion, this author denied all such claims. The magistrate, he argued, could only secure “external profession,” not the true belief necessary for morality. In conclusion, the author informed his readers that a variety of sects “promote[s] freedom of inquiry, and liberal sentiments.”¹⁷

Contrary to the claims put forward by the accommodationists, the dissenters were seeking not just an end to the establishment of the Episcopal Church. They demanded an end to all religious privileging, including that of a single religion (Christianity), because it was incompatible with individ-

ual rights of conscience and equality as promised in the Declaration of Rights. The security of rights also required that the state have no jurisdiction in matters of religion other than to protect religious rights. Of course, the dissenters were religious people concerned about religion, but they insisted that the best way to protect their faith was to protect their individual rights.

In response to the petitioning campaign on 9 December 1776, the General Assembly passed a bill *For exempting the different societies of dissenters from contributing to the support and maintenance of the church as by law established*. The new law freed the dissenters from the burden of supporting the established church and repealed all laws of the British Parliament that prescribed punishments for religious opinions or modes of worship. Nevertheless, the Episcopal Church retained many of its privileges, including its nominal status as “the church by law established.” The law was a partial victory for the dissenters despite Jefferson’s best efforts as a member of the House. The conservatives were still powerful enough to slow down the tide of revolutionary change. Jefferson later described the disputes that occurred in the House of Delegates on this subject as “the severest contests in which I have ever been engaged.”¹⁸

Two additional provisions in the bill had important implications for the future of the established church. The first was a delay for implementation of the new tax system in which the burden of supporting the Episcopal Church now fell entirely on its own members. The second provision proved controversial and set the stage for the next showdown over establishments. This was a suggestion for “a general assessment” to support “ministers and teachers of the gospel who are of different persuasions and denominations.” The origins of this suggestion are unknown, but it was probably borne of the realization that single-denomination establishments could not survive the tide of history. What they failed to see was that the same principles fueling the attack on these establishments demanded an end to all establishments of religion.¹⁹

Predictably, the mere suggestion of an assessment for religion prompted the dissenters to petition the legislature once again. Thus, at the next meeting of the General Association of Baptists in December, the members called for a new petition protesting the proposed general assessment. This petition mysteriously was not recorded in the *Journal for the House of Delegates*; however, it was published in the *Virginia Gazette* by Jefferson, who had a copy

of it. The resulting petition unequivocally declared that general assessments violated their rights of conscience. To bolster their argument, they quoted a clause from the recently passed dissenters' act, which declared "it is contrary to the principles of reason and justice, that any should be compelled to contribute to the maintenance of a Church with which their consciences will not permit them to join." Although this clause only points to the violation of conscience for contributing to a church that is not one's own, the Baptists made it clear that they also objected to any coerced contributions in support of any religion, even their own. They insisted "that preachers should be supported only by voluntary contributions from the people, and that a general assessment (however harmless, yea useful some may conceive it to be) is pregnant with various Evils destructive to the Rights and Privileges of religious Society." Note that the rights they referenced were not those of religious societies, but "religious Society." What was in danger was not only the church per se but also the rights of Baptists as individuals, which in consequence would endanger their church. As a coercive measure, the general assessment would mean the end of the right promised Baptists in the "last article of the bill of rights" (i.e., Article 16).

In addition, Baptists also saw the proposed assessment as a threat to the purity of religion. The assessment, they insisted, would have a corrupting effect on the clergy because "those whom the State employs in its Service, it has a Right to *regulate* and *dictate* to; it may judge and determine *who* shall preach; *when* and *where* they shall preach; and *what* they must preach." Repeating the refrain that the legislature had no business intervening in matters of religion, they declared that the proposal was an example of "civil Rulers go[ing] so far out of their Sphere as to take the Care and Management of *religious Affairs*." This abuse of power, they were convinced, would sow "the seeds of oppression."²⁰

The minutes from the next meeting of the Baptists in April 1777 confirms that their overriding goal was religious liberty. In pursuit of that goal, they created a committee to determine whether or not there were any unjust laws concerning religion, to suggest solutions for their removal if found, and to draw up a proposal to lay before the legislature that would "establish and maintain 'religious freedom.'" Oppressive laws were not hard to find. Of those, the most intolerable was the marriage law that gave the Episcopal

Church sole authority to marry. Before the battle over the 1784 proposed assessment, this law was the focus of their petition campaign for full religious liberty.²¹

The Presbyterians also voiced their opposition to the specter of a general assessment. Veteran ministers David Rice and Samuel Stanhope Smith were tasked with writing up a petition at their June 1777 meeting. The opening paragraph of their new petition provides insight into their thinking on this subject. They declared that they would endeavor with their “fellow-subjects to repel the assaults of tyranny and to maintain our common rights.” Rice and Smith informed the legislature that they were heartened to see the recent law declaring “that *equal liberty*, as well religious as civil, shall be universally extended to the good people of this country [Virginia]” (emphasis added). Indignant, they reminded their legislators that the liberty of conscience was an “unalienable right.” Hence, the “principle reason” for their objection to the measure was that it fell outside of the “proper objects of civil government,” which should be limited to protecting rights and property, as well as creating “wholesome laws.” What Rice and Smith meant by “wholesome laws” they did not say, but state-supported religion was clearly not within the realm of civic concerns.

The two Presbyterian leaders did express concern for Christianity but, rather than state support, they believed that the best way to protect it was to place it “beyond the limits of civil control.” They opposed establishments in principle as a violation of their natural rights; therefore, they made it clear to the General Assembly that they would decline any establishment for themselves. They would be acting “dishonest[ly]” if they were “to receive any emoluments from human establishments for the support of the gospel.” Rice and Smith concluded by declaring that the assessment went against their own “principles and interests,” as well as being “subversive to religious liberty.”²²

In the *Virginia Gazette* an anonymous article defending establishments provoked an extended response by “A Freeman.” *The Freeman’s Remonstrance* used a pro-establishment article as a springboard to undermine, point by point, the pro-establishment position. The Freeman challenged his adversary’s claim that establishments were necessary for the state, as could be seen from the examples of Pennsylvania and New Jersey. But the heart of his case

Samuel Stanhope Smith (1750–1819), a member of the Hanover Presbytery, played an important role in advocating the disestablishment of religion in Virginia. In 1777, he worked with David Rice (1733–1816) to draw up a petition on behalf of the Presbytery requesting that all religious establishments be torn down. Smith later returned to the College of New Jersey, first as professor of moral philosophy and then as president after John Witherspoon's death in 1794. (*Princeton University Art Museum*)



against the anonymous author rested on his creative and colorful line of reasoning countering his opponent's marriage analogy, which likened an establishment to a happy marriage between the church and the state. He began by pointing out that "the Father" gave no consent to such a marriage between church and state, which he would never have done because he would never have consented to a marriage between the holy church and a wicked state. "[P]ernicious consequences" will necessarily follow because the state has always corrupted the church by turning her into "a common strumpet."²³

The marriage also corrupted the state, he asserted. "They have always corrupted, and often ruined one another; as wine and water mingled, turns to vinegar." He went on to warn his adversary that a "man ought to be very careful whom he marries," which he backed up by citing some disastrous marriages recounted in the Bible. In terms of church-state relations, he emphatically declared that religion was not the "proper business" of the state.²⁴

The Freeman was particularly zealous in his defense of the dissenters who had been charged by the anonymous author with undertaking their anti-establishment campaign for malicious reasons. They had in fact signed the petitions out of an honest “zeal for the public good.” “We were, and still are convinced, that an established Church *of any kind*, will at last prove *injurious to the State*, and for that reason we petitioned against it” (emphasis added). The Freeman concluded by imploring the legislators never to consent to an establishment, “since scripture, reason, and experience all conspire to disprove the necessity or even utility of an established Church in any State.” The resulting “full and equal liberty,” he asserted, would “make America the most glorious of all Empires.” Though *The Freeman’s Remonstrance* is distinct from the petitions in its reliance on religious language and arguments, which was partly the product of the author’s choice to mirror the structure and claims of his rival, it sought the same basic goals found in the dissenters’ petitions: an end to all establishments in order to protect religion, the state, and individual rights.²⁵

The threat of a general assessment provided the dissenters with the opportunity to further clarify their position on church-state relations. They were opposed to all establishments, even a scheme that would have provided state support for their own denomination. They insisted that religion should stand on its own and that the state should concern itself with only civil matters. The petitions were duly noted by the legislature, but it took no action during the spring session. The legislature did not act on the subject of religion until 1778, and then it did so only to postpone the matter for another year. The year 1779 brought the issue to the forefront once again.

THE DEBATE OVER RELIGIOUS LIBERTY was revived after Jefferson introduced his bill for Establishing Religious Freedom during the spring 1779 meeting of the House of Delegates. The bill would have ended all compulsion in matters of religion, which, in consequence, would have separated religion and government. The session opened optimistically for Jefferson’s bill, but its fate was sealed after Jefferson was elected to the governor’s seat before he had secured its passage. The move was most likely a conservative scheme to block the passage of the bill. The same maneuver would be used against Patrick Henry during the final showdown over assessments.²⁶

The threat of Jefferson's radical bill mobilized conservatives to push for some kind of religious assessment. In the *Virginia Gazette*, a "Social Christian" objected to the bill on the grounds that it put individual rights above the common good. He asserted that majorities had a right to provide funding for Christian teachers. In his view, this was not an expression of intolerance or bigotry because he was willing to provide tolerance for "Jews, Mohamedans, Atheists or Deists." This "Social Christian" spoke for many Virginians at that time. Similar views were also expressed in six pro-assessment petitions sent to the legislature that year.²⁷

Despite broad support within dissenting communities, only two petitions in support of Jefferson's bill appeared during the fall session. One came from the "sundry inhabitants" of Augusta County, who expressed hope that it "may pass into a law." The other, from Amherst County, praised Jefferson's bill for "giving free and equal Liberty & Privileges in matters of Religion to *all the Inhabitants* of this Commonwealth." In addition, the Amherst petition "most earnestly desire[ed] and pray[ed] that not only [a] Universal Toleration may take Place but that all the Subjects of this Free State may be put upon the same footing and enjoy equal Liberties and privileges." Thus, the authors of the Amherst petition instructed their representatives "to promote a Total & final Repeal of *all Laws* giving Rise to [unrighteous Distinctions]." They signed off "unanimously & with one voice" as members of the "Church of England = men; Presbyterians, Baptists & Methodists." This ecumenical effort exemplifies the broad alliance across religious denominations in the push for religious freedom.²⁸

Unfortunately, some of the most enthusiastic supporters of Jefferson's bill did not publicly express their support. At their October meeting of the General Association, the Baptists unanimously agreed to the following proposition: "That the said bill, in our opinion, puts religious freedom upon its proper basis, prescribes the just limits of the power of the State with regard to religion, and properly guards against partiality towards any religious denomination. We, therefore, heartily approve of the same, and wish it to pass into a law." And significantly, the Baptists expressed their desire to have the bill "be inserted in the Gazettes." Unfortunately, no such petition has been found in any of the gazettes. The clerk Jeremiah Walker was also delegated to attend the General Assembly but, if he attended, there is no evi-

dence that he brought a petition with him. The Baptists undoubtedly intended to express their approval publicly. Their failure to do so remains a mystery.²⁹

The Presbyterians were silent on the subject publicly, but there is evidence that at least some were in support of the religious freedom bill. In a letter to Jefferson, the Rev. John Todd lamented “of ever seeing *the sacred and civil rights of mankind* secured to them on a fair and catholic basis.” He was happy to see some men who were “zealous to bring to light and secure *to all good men their rights* without partiality.” To Todd, the union of church and state had corrupted the clergy by making them “ready Tool[s] for the State.” And significantly, he added, “Virtue and pure religion do better without earthly emoluments than with.” This stance ran contrary to the belief among many Virginians that state-supported religion was a necessary prop for the safety and security of the commonwealth. In closing, he conveyed his hope that the bill would pass, thus placing the “Security of our Rights on so large and righteous a foundation.” In this private letter, Todd spoke the language of rights rather than religious piety.³⁰

The legislature, believing that the population was on its side, pressed forward with a plan for the support of religion. In the House a select committee was created to draft a bill “concerning religion.” If enacted, their proposal would have essentially established the Protestant religion. The bill stipulated that all religious societies which wanted to be regarded as by law established had to subscribe to the following five articles:

First, That there is one Eternal God and a future State of Rewards and punishments.

Secondly, That God is publickly to be Worshipped.

Thirdly, That the Christian Religion is the true Religion.

Fourthly, That the Holy Scriptures of the old and new Testament are of divine inspiration, and are the only rule of Faith.

Fifthly, That it is the duty of every Man, when thereunto called by those who Govern, to bear Witness to truth.

These requirements would have alienated Catholics, Quakers, and non-Christians. This denial of equality seemed acceptable to the authors of this proposal because they promised tolerance for all who believed “that there is one *God*, and a future State of rewards and punishments, and that *God* ought

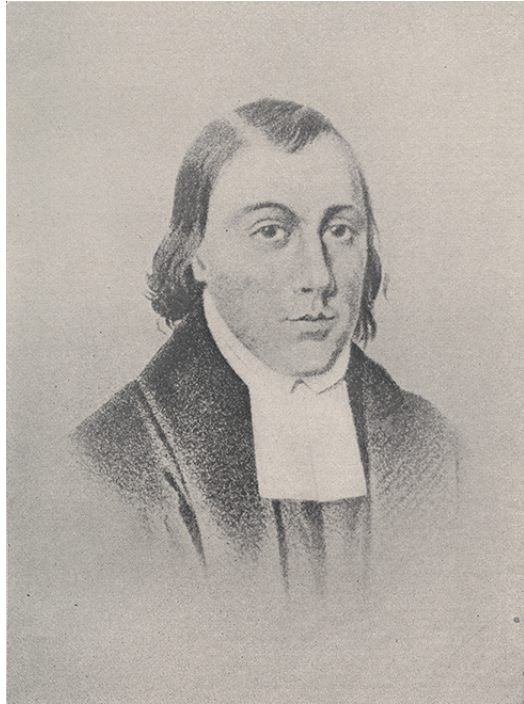
to be publickly worshiped.” Although acceptable to the conservatives in the legislature, it failed to garner enough support and thus died a quiet death. The debate over this bill had largely been confined to the legislature, but a future assessment bill would take the matter to the people.³¹

THE FORMAL END TO THE REVOLUTIONARY WAR in December 1783 marked a turning point for the unresolved issue of religion in Virginia. A lot had changed since 1779. Many of the new members of the 1784 legislature were younger and more invested in the ideals of liberty and equality. After years without financial support, the Episcopal Church had been significantly weakened, whereas the dissenting population was growing, as was their desire to finally establish religious liberty.

In the face of what they perceived as a society engulfed in licentiousness and vice, conservatives took to petitioning the legislature to pass legislation for a general assessment. Three of these petitions were sent during the spring session of 1784, followed by eleven more in the fall. One from Warwick County expressed the perspective of these pro-assessment petitioners when it lamented “the present neglected state of religion and morality.” The bill resulting from this successful campaign would be taken to the people, and the subsequent firestorm would finally settle the issue of establishments and bring the state more in line with dissenters’ vision of religious liberty. Although few in number, these petitions found favor in a legislature still dominated by conservative Episcopalians who retained their affinity for establishments.³²

With a very different agenda, the Baptists and Presbyterians also submitted petitions. The two denominations remained frustrated with the remaining privileges enjoyed by Episcopalians. At their 1782 and 1783 meetings of the General Association, the Baptists reaffirmed their opposition to any scheme for a general assessment and once again expressed support for the bill for Establishing Religious Freedom. Despite this, the petition presented to the legislature on 16 May 1784 mentioned only the unjust vestry and marriage laws, though the request “that perfect and equal religious freedom may be established” could be read as supporting Jefferson’s bill. And had they known of the designs underway in the legislature for a general assessment, they most likely would have written a very different petition.³³

After graduating from the College of New Jersey in 1773, John Blair Smith (1756–1799) followed his brother, Samuel Stanhope, to Virginia in 1776, where John became a member of the Hanover Presbytery and president of Hampden-Sydney College in 1779. Even more so than his brother, John played a significant role in establishing religious liberty in Virginia. Initially wed to a compromise position on the issue of religious assessments, he had a change of heart after the General Assembly legally incorporated the Episcopal Church and the subsequent backlash from the Presbyterian laity. Once committed, Smith zealously defended the Presbyterian anti-establishment position. (*Virginia Historical Society, LD 2101 .H592 C23*)



On 26 May 1784, the Hanover Presbytery presented its first petition since 1777, which was drawn up by Samuel Stanhope Smith's brother, John Blair Smith, and James Waddell. In it, they explained that their silence resulted from their desire not to be seen as "taking advantage" during a time "of convulsion and war." Emphasizing their participation in the Revolutionary War, and thus emphasizing their right to full citizenship, they declared that "perfect liberty and political equality animated every class of citizens." Smith and Waddell were petitioning in protest against the unjust privileges of the Episcopal Church, including the current marriage and vestry laws, as well as the proposal to incorporate the Episcopal Church. To them, "such partiality to *any system of religious opinion whatever* is inconsistent with the intention and proper object of well directed government." Instead of being the "the common guardian and equal protector of *every* class of citizens in their religious as well as civil rights," this made the legislature, they asserted, "a party in religious difference" (emphasis added).

Remarkably, these principled appeals to universal rights were followed by a request for Christian privilege. Smith and Waddell declared that all “preferences, distinctions, and advantages granted by the Legislature exclusively to one sect of Christians” were “unjust and dangerous.” Despite the language of Christian equality, there is no evidence that they were seeking to replace Episcopal privilege with Christian privilege. In fact, they asserted, “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*” (emphasis added).³⁴

Ignoring these petitions for equal liberty, the House moved forward on a general assessment. On 27 May 1784, it declared the residents of Warwick County’s request for an assessment for religion to be reasonable. Additional support for an assessment came in from the Episcopal clergy, who indicated their desire to have the legislature “aid and patronize the Christian religion.” However, the main purpose of this petition was to request incorporation for themselves, thus allowing them to secure their property. What is particularly striking about this request was its explicit call to continue ties with the legislature, which would have given it the power to intervene in some areas of Episcopal Church affairs. It must have been reverence for the traditions of their parent, the Church of England, that prompted them to make this strange request. To the dissenters, this request looked like yet another act of privilege. The incorporation bill to fulfill the Episcopalian demand stirred the ire of Presbyterians in particular.³⁵

Failing to take action in the spring, legislators took up the issue of assessment once again during the fall session. Boosted by at least nine pro-assessment petitions, the following proposal was offered on 11 November: “that the people of this Commonwealth, according to their respectful abilities, ought to pay a moderate tax or contribution, annually, for the support of the Christian religion, or of some Christian church, denomination of communion of Christians, or of some form of Christian worship.” Patrick Henry was appointed chair of a new ten-member committee to draft a bill for that purpose. An alarmed James Madison realized that the bill had a good chance of passing as long as Henry was there to defend it. Henry was fortuitously elected governor on 17 November. Though there is no firm evidence

that Madison played a role in that convenient appointment, he likely had a hand in it.³⁶

The following day, the Hanover Presbytery presented a new petition. It was an interesting document that exposed the deep divisions within the Presbyterian community. In a stunning retreat from their long-standing stance on assessments, the Presbytery came out in support of a general assessment. The petition had been drawn up by John Blair Smith and William Graham, who held opposing views on the issue. Smith and his faction were strongly in favor of an assessment as long as the equality between sects was maintained, whereas Graham passionately opposed all assessments for religion. Given Smith's greater influence at the conference, his views were the ones that appeared in the petition. Smith's ideas may have triumphed, but they were not in line with that of the Presbyterian laity, whose protest soon forced yet another reversal. And there is some doubt about the sincerity of the call for an assessment by the Presbytery. Historian H. J. Eckenrode argues that it was more likely a political calculation to at least influence the type of assessment which they sincerely believed was "a fait accompli." If there was going to be an assessment for religion, then the best they could do was to make it as liberal as possible.³⁷

Rather than support a Christian establishment, the Hanover Presbytery proposed a broadly inclusive system. The exact parameters were not laid out in the petition, but a clue can be found in the notes from their October meeting: a belief in God, providence, and "a future state of rewards and punishments." Although contrary to their insistence on "the political equality of all the citizens," their insistence on these basic religious tenets reflected a common assumption of the day that morality could not exist without them. Nevertheless, this was more inclusive than the conservative proposals.³⁸

Having retreated on their previous position on assessments, Presbyterian leadership had to adjust their cherished principles to justify this new stance. Just as in previous petitions, they declared that religion was outside the bounds of "human legislation," but whereas they had used this principle to oppose assessments before, here they used a distinction between religion as a spiritual matter and religion as a civil matter in order to carve out an exception. They reasoned that because religion was "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,” it was a matter of civil concern, and was, therefore, within the bounds of government legislation.

Concerning the incorporation of the Episcopal Church, they had two grievances. First, they objected to the fact that it would incorporate the clergy separately from the laity. This, they “found by experience to produce ignorance, immorality and neglect of the duties of their [the clergy] station,” in addition to “establish[ing] an immediate, a peculiar . . . illicit connection between government.” They also insisted that it would undermine individual rights by “creating a distinction between citizens equally good, on account of something entirely foreign from civil merit.” Second, they found the Episcopal request to give the legislature the power to regulate their affairs in spiritual matters particularly appalling because “human legislation ought to have human affairs alone for its concern.” This complaint was misunderstood by the members of the House, who attempted to remedy it by offering the same privilege to the Presbyterians. What the legislators failed to understand was that the Presbyterians objected to this type of incorporation on principle. Hence, the Presbyterians declined the offer for themselves.³⁹

The pragmatic political maneuver made by the leadership was understandable, but it was not entirely convincing. They were put in the position of having to square government coercion in matters of religion with their desire for “perfect freedom and political equality.” However much they may have compromised their principles, they remained committed to individual rights, which were “sacred and dear to them.” This change of heart by the Presbyterians raised the ire of James Madison, who declared that he did “not know a more shameful contrast than might be formed between their Memorials on the latter & former occasion.” It also provoked a backlash by a stunned Presbyterian laity that felt betrayed by this about-face.⁴⁰

The majority of Presbyterians remained committed to their anti-establishment stance, which can be seen in two independent Presbyterian petitions from the counties of Rockingham and Rockbridge. The Rockingham petition accused the legislature of “[a]ssuming a power that never was committed to them by God nor can be by Man,” as affirmed by “the Great Mr. Lock.” They averred that “where ever Religious Establishments had taken place it hath attended with Pernicious Consequences,”

including an unjust inequality and an “[i]nfringement upon what ought to be held most Sacred that is our Bill of Rights.” Therefore, the petitioners requested that they be left “Intirely free in Religion or rather by a Law Establish us in the freedom we have Enjoy’d for some years past.”⁴¹

The Rockbridge petition opened expressing their expectation that after the “long and dangerous War all denominations of Christians in this State would have enjoyed equal Privileges both religious and civil.” But to their “great surprize,” before they had even “ceased to bleed,” the Episcopal clergy wanted privileges that were “incompatible with that political Equality which is the indoubted Privilege of every Christian.” A general assessment, they asserted, was “best calculated to destroy Religion that perhaps could be devised.” It was even “much more dangerous than the establishment of any one Sect,” because at least in that arrangement the other sects remained “pure or at least of Good Morals.” Note that what made them purer in morals was the fact that they were not supported by the state, so even as they spoke of Christian equality, they opposed the establishment of a more inclusive Christian establishment. In closing, they expressed their regret that their rights were “tottering and uncertain.” To remedy the situation, the petition recommended that the legislature call a convention for a new constitution that would “secure the valuable Rights of the Citizens.” Unmistakably, the security of individual rights for all citizens was not an afterthought, it was foundational.⁴²

The Baptists also petitioned the legislature, but regrettably made no mention of an assessment despite the fact that they had “resolved to oppose the law for a general assessment.” Though the Baptists specifically railed against the marriage and vestry laws that privileged Episcopalians, they more broadly demanded that all special privileges be eliminated so that “no order of Denomination of Christians in this Commonwealth have any separate Privileges . . . lest they tyrannize over them.” The use of nonpreferentialist language led some delegates to believe they would not object to a general assessment as long as all Christian sects were treated equally. But this was a misunderstanding of the Baptist conception of religious liberty. Had the legislators read the petition more carefully, they would not have made this mistake. What the Baptists wanted was for “*every* grievous Yoke be broken, and that the oppressed go free; and that in every Act, the bright beams of

equal Liberty, and Impartial Justice may shine” (emphasis added). Being coerced into supporting one’s own religion was still coercion.⁴³

On 17 November, the Committee for Religion presented two resolutions in the House. One recommended that “Acts ought to pass for the incorporation of all societies of the Christian religion, which may apply for the same.” The proposal to extend the privilege of incorporation to all Christian societies went nowhere, possibly because another petition came in from the Presbyterians clarifying their position on incorporation. Presbyterian representatives John Blair Smith and John Todd made a distinction between two types of incorporation: civil and spiritual. Given that government had no jurisdiction in matters of religion, it had no right to set up incorporations touching religious matters like the one proposed for the Episcopal Church. Incorporations that were established for the purpose of collecting and holding property were, on the other hand, legitimate.⁴⁴

Six more pro-assessment petitions were presented to the House in late November and early December demanding that Christianity be “by a Law, made and declared to be the established Religion of this country.” These petitions strengthened the resolve of the conservative legislators to pursue a general assessment, but on 26 November, the conservatives committed a strategic blunder when they set aside the assessment bill to work on the incorporation bill. On 22 December, the House passed a bill “for incorporating the Protestant Episcopal Church,” which provided Madison with a strategic opportunity. Even though he was genuinely opposed to the incorporation bill, Madison voted for the measure because its failure “would have doubled the eagerness and the pretexts for a much greater evil, a General Assessment.”⁴⁵

Turning back to the assessment bill, legislators drew one up that avoided the mistakes of the earlier bill “concerning religion,” which required adherence to certain religious qualifications. Nevertheless, the framers of the bill included a provision that unexpectedly angered many dissenters. It gave special accommodations to Quakers and Mennonites, both of whom had no ministers. To the dissenters, this was an unjust “privilege.” Although a minor issue compared to the larger one of public-supported religion, it reveals their strong aversion to any breach of the principle of equality even for reasonable accommodations.

If passed, the bill Establishing a Provision for Teachers of the Christian Religion would have replaced the Episcopal establishment with a broader Christian one. In a final tactical mistake, the conservatives fully expecting to win on the issue agreed to delay passage of the bill to allow for public comment. The issue mobilized large swaths of the population on both sides of the issue between the end of the fall 1784 legislative session and fall 1785. The first casualties in the campaign against the bill were several pro-assessment candidates running for reelection. Delighted, Madison boasted to James Monroe that he had “heard of several Counties where the late representatives have been laid aside for voting for the Bill, and not of a single one where the reverse has happened.”⁴⁶

Conservatives also mobilized, but they could not muster the numbers or enthusiasm of the anti-assessment side. When the legislature opened in the fall of 1785, petitions opposing the bill overwhelmed the legislators, making it clear where public opinion stood. Of the more than one hundred memorials, only eleven were pro-assessment. In terms of signatures, the anti-assessment forces won by a margin of twelve to one. Given the obvious climate against the assessment, the new speaker of the House, Benjamin Harrison, appointed Presbyterian Zachariah Johnston to chair the Committee for Religion. Johnston, a staunch opponent of establishments, echoed the sentiments of his fellow co-religionists in a speech to the House:

Mr. Chairman, I am a Presbyterian, a rigid Presbyterian as we are called. . . . But, sir, the very day that the Presbyterians shall be established by law, and become a body politic, the same day Zachariah Johnston will be a dissenter. Dissent from that religion I cannot in honesty, but from that establishment I will.⁴⁷

To the Presbyterians, a general assessment was an establishment just as pernicious as the exclusive establishment of the Episcopal Church because it violated the sacred rights of conscience that they cherished so much, as the memorials made clear.

The majority of anti-assessment petitions were copies of three models: the “Spirit of the Gospel” petition; the Presbyterian Convention petition; and Madison’s *Memorial and Remonstrance Against Religious Assessments*. Because of its influence across the nation, Madison’s *Memorial* remains an important document in First Amendment jurisprudence. But though it is cherished, and rightly so, the majority of the petitions were written and

signed by the dissenting sects. Although the dissenters brought a more religious tone to their arguments, they articulated an almost identical vision of religious liberty to that of the rationalists.

The origin of the most popular of these petitions, the “Spirit of the Gospel” petition, is unknown. However, it seems likely that it came out of an August meeting of the Baptist General Committee with four associations represented. At the meeting, they once again appointed Reuben Ford, clerk of the committee and one of the “Dover men” as historian Charles F. Irons dubbed him and his fellow founders of the committee, with the goal of “consider[ing] all the political grievances of the whole Baptist Society in Virginia.” This committee played a significant role in unifying the Baptists in pursuit of the full disestablishment of religion in Virginia. In the meeting, the delegates declared that it was “repugnant to the spirit of the gospel for the Legislature thus to proceed in matters of religion; that no human laws ought to be established for this purpose, but that every person ought to be left entirely free in respect to matters of religion.” Although this statement gives a religious reason for their opposition to establishments, it also clearly illustrates the link between individual rights and establishments, and thus concluded with the statement that a general assessment would “be destructive to religious liberty.” They followed this up with a resolution urging “those counties which have not yet prepared petitions” to do so.⁴⁸

An unknown author drew up what became a template for various petitions. The resulting petitions frequently deviated from the original, but they shared its core message. They all declared that the assessment was “contrary to the spirit of the Gospel, and the Bill of Rights.” According to historian Thomas Buckley, “The chief significance of this petition rests in its commitment to the advancement of Christianity.” The fact that devout Christians would be committed to the advancement of the religion should not be surprising, but this commitment does not necessarily translate into a desire for state promotion of Christianity, or religion generally, as Buckley implies. Not to mention the fact that the petition does not directly discuss “the advancement of Christianity” as such. Although they expressed a concern for the purity of the church, they believed that this purity was incompatible with establishments of religion. “Establishment has never been a means of prospering the Gospel,” they averred. It was only by separating religion and

government that a pure Christianity could be advanced. In response to another conservative assumption, these dissenters insisted that the decline in religion and the advancement of Deism “must be owing to other causes, and not for want of religious *Establishment*” (emphasis added).⁴⁹

Turning to the Declaration of Rights, the Baptists insisted that forcing non-Christians to support the Christian religion was “a departure from the spirit and meaning of” this sacred document, specifically Articles 1 (“all men are born equally free and independent”) and Article 4 (“no man, or set of men, are entitled to exclusive or separate emolument or privileges”). The Baptists misquoted Article 4 in the petition in a way that is telling. They excluded the collective (“or set of men”), leaving only a slightly altered reference to the individual (“no person in this Commonwealth”). It was the individual right to equality that was being violated by this Christian establishment. The Baptists were fighting for a universal principle that held for all citizens, no matter what religious opinions they held. As a result, the petition asked the House to “leave them intirely free in matters of Religion & the manner of supporting its ministers.” In other words, the Baptists wanted government to get out of the business of religion altogether, as they believed the Declaration of Rights required.⁵⁰

Two other Baptist petitions were submitted that fall. One originated from the same meeting in Powhatan County on 13 August that produced the outlines of what became the “Spirit of the Gospel” memorial. This unique petition, probably written by Ruben Ford, was one of the more overtly religious petitions. Nonetheless, the Baptists emphasized the distinctness of “the Church of Christ” as a spiritual body from civil society, and therefore opposed “*every combination* of Civil and Ecclesiastical matters” (emphasis added). They professed that the gospel did not need the support of human laws and that experience had proven establishments were harmful to religion. But, more importantly, they protested that the bill would “lay a foundation for the total subversion of our Civil and Religious Liberties.” They did, however, suggest that the legislature could achieve its goals by providing for “Laws of morality,” but only those “which are necessary for private and publick happiness.” There is no indication what kind of laws the Baptists had in mind, but their acceptance of any such laws was clearly not

To the Honourable, the Speaker & Gentlemen of the House of Delegates
 The Petition of the Inhabitants of the County of Surry Humbly sheweth: That whereas it hath
 pleased your Honourable House to publish a Bill obliging the Inhabitants of this Commonwealth to pay
 the Teachers of the Christian Religion, and have required their Opinions concerning it —
 your Petitioners therefore do most earnestly declare against it, believing it to be contrary to the spirit
 of the Gospel and the Bill of Rights, certain it is, that, the Blessed Author of our Religion supported
 and maintained his Gospel in the World for several Hundred Years, not only without aid of civil
 power, but against all the powers of the Earth; The excellent purity of its precepts, and the unblame-
 able behaviour of its Ministers (with divine Blessing) made its way through all opposition; Nor was it
 the lot for the Church when Constantine first established Christianity by human laws, that
 there was rest from persecution; but how soon was the Church overrun with error, superstition and
 Immorality, how evanescent were Ministers there, to what they were in temperance, both in orthodoxy
 of principles, and purity; but it is said that Religion has taken its flight, and that Deism with
 its baneful influence is spreading itself over the State, if so it must be owing to other causes, and not for
 want of Religious establishments, let your Laws punish the Vices and Immorality of the People, and let
 there not be wanting such Men placed in authority, who by their pious examples will recommend Religion;
 And by their faithful preaching shall scourge the prevailing Vices of the age, let Ministers minister to the World
 that they are immediately moved by the Holy Ghost to take upon them that Office: that they do the good of man-
 kind, and not the worldly Interests, let their doctrine be evangelical & their lives upright, then shall religion if
 departed speedily return, and a Deism be put to open shame, and its dreadful consequences quickly removed.
 But what valuable purpose would such a payment answer, were it introduced any more useful and
 faithful than into the Ministry; surely not; For whom divine grace hath called to that work, will esteem
 it their highest Pleasure to do his pleasure: but the contrary it might call in many Teachers, whose chief Motive
 would be Temporal Interest, that Religious establishment & government is linked together, and that
 latter cannot stand without the former, is something new, & that the State of Virginia, where no such
 establishment hath taken place, their Government stands as free & outside of the Kingdom, & that has better
 Members of brighter Moral, or more upright Character. That it is against our Bill of Rights, which say
 All men by nature are born equally free, so no person in this Commonwealth shall enjoy exclusive privileges or
 Emoluments, except for Services rendered the State, shall not those there who are not professors of the Christian Religion
 who were in the State at the passing of this Bill and those who have been imported since by the lawful trade, when
 they shall be obliged to support the Christian Religion, think that such obligation is a departure from the
 spirit & meaning of it. — Finally of such Tax is against the spirit of the Gospel, if Christ for several
 Hundred Years, not only without aid of Civil power, but against all the powers of the world supported it, if He did
 not have been a Man of Progressing the Gospel, You more faithful Men would be called into the
 Ministry by it: If it would give us sacred Religion & the spirit of Deism, or show the purposes of government
 & if against the Bill of Rights, which your Petitioners believe — They trust the wisdom & integrity of your Honourable
 House will have been entirely free in matters of Religion and the manner of supporting its ministers, nor
 they shall ever pray —

Subscribers see the Other Side

One of the most popular anti-establishment petitions submitted to the House of Delegates in 1785 was what has become known as the “Spirit of the Gospel” petitions. Not all twenty-nine of these petitions were identical, but they all included what must have been the main points of the original version. This particular petition from Surry County represents the typical version. (*Library of Virginia*)

borne out of a desire to infuse society with Christianity via civil government.⁵¹

In contrast to the overtly religious Powhatan petition, one drawn up by several Baptist churches meeting in Orange County laid out a series of resolutions grounded primarily in secular reasoning. The author of this petition is unknown, but one of the most active Baptists in the campaign for religious freedom, John Waller, signed the document as the clerk. Waller had good reason to campaign for the rights of conscience; he was one of the Baptist ministers harassed and beaten for preaching where they were forbidden by law to do so. First, the Baptists insisted that the proposed assessment was “quite out of the province of any Legislature upon earth.” Second, they objected to the idea that religion would decline without government support, which they believed was “grounded neither on scripture, nor Reason, nor sound Policy.” Instead, the Baptists insisted that the relationship had corrupted religion. Third, the assessment violated the principle of equality because “such [an] establishment” would mean that the legislature would determine who was, and who was not, worthy to receive benefits. Fourth, the law would open “the door to religious Tyranny.” If the legislature could establish all denominations, it also had the power to establish one and would lead to the same “sanguinary horrors of persecution.” Resolutions five and six protested the incorporation bill and glebes, respectively. Finally, the Orange Baptists railed against the “partiality” given to Quakers and Mennonites. They saw the whole bill as an “open offense; and in its native tendency will if imposed on this state, prove injurious to the peace, and tranquility of a people, who justly respect the enjoyment of equal privileges, according to the Bill of Rights.” Despite the differences in language and emphasis, all the Baptist petitions laid out a theory of religious liberty that demanded a clear separation between religion and government. This, they believed, was necessary to protect religion and their individual natural rights.⁵²

The Presbyterians, on the other hand, were in turmoil. The November 1784 petition angered the lay population, prompting the congregation of Augusta County to petition the Hanover Presbytery. The laymen demanded to know what the Presbytery meant by a “liberal” plan, and they wanted an explanation of the Presbytery’s motives for sending it to the Assembly. In the

face of such opposition, the Hanover Presbytery decided to reconsider its 1784 position and voted “unanimously” against “any kind of an assessment by the General Assembly for the support of religion.” This about-face was a crucial turning point in the debate over assessments.⁵³

To solidify their anti-establishment position, the Presbyterians called a General Convention, which assembled representatives from across the state. As a unified body, the Presbyterians put forward a new petition to reflect their fervent opposition to the general assessment bill. In it, they expressed disappointment in the Assembly: “How slowly and unwillingly ancient distinctions among the citizens, on account of religious opinion, were removed by the Legislature.” Favors given to the Episcopal Church continued, and to “increase the evil,” they asserted, the legislature had “consider[ed] itself as possessed of supremacy in spirituals as well as temporal.” These abuses, among other things, were evidence “of an impolitic partiality which we are sorry to have observed so long.” Therefore, the Presbyterians remonstrated against the assessment bill “absolutely” and the incorporation bill partially.⁵⁴

Concerning the assessment, the Presbyterians laid out several objections. Their first complaint was that it was “a departure from the proper line of legislation.” Rejecting their previous position, they now declared that “[r]eligion 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.” The proper ends of civil government extend only to “the temporal liberty and property of mankind, and to protect them in the free exercise of religion.”⁵⁵

Second, the Presbyterians insisted that the assessment was unnecessary and inadequate to its professed purpose. Rather than nurturing morality, the support of religion by the state had been “destructive” of it. Contributions to religion should be voluntary and driven by internal conviction, something that “establishments cannot effect.” There could be no justification for government intervention in religion because Christianity nurtured morality more effectively “when left to its native excellence . . . and free from the intrusive hand of the civil magistrate.”⁵⁶

Third, the Presbyterians offered several reasons why the assessment bill was impolitic. Two of these focused on its consequences for the state. First, they asserted that it would weaken the government because “it disgust[ed] so

large a proportion of the citizens” and would, as a result, “diffuse a spirit of opposition to the rightful exercise of constitutional authority.” Second, by discouraging foreigners to settle in Virginia, as well as “exciting our own citizens to immigrate to other lands of greater freedom,” the bill would weaken the prosperity of the state.

Two other complaints dealt with breaches of the principle of equality. The Presbyterians protested against the unjust privilege given to Quakers and Mennonites, and they railed against the exclusion of non-Christians, because “it unjustly subjects men who may be good citizens, but who have not embraced our common faith.” Religious assessments, they declared, were “a direct violation of the Declaration of Rights which ought to be the standard of all laws.” They repeated the same complaints against the incorporation bill and concluded the petition by expressing their “regret that the full equality in all things, and ample protection and security to religious liberty, were not incontestably fixed in the constitution of the government.” However, the Presbyterians thought that “the defect may be remedied” if Jefferson’s bill for Establishing Religious Freedom were passed instead. This powerful statement in favor of a strong separation of religion and government, drawn up by the staunchly anti-assessment William Graham, was enthusiastically endorsed by the predominantly Scotch-Irish laity, which sent in twenty-two separate petitions to the legislature expressing support for the new petition.⁵⁷

Interestingly, the supposedly more conservative John Blair Smith was charged with taking the petition to the legislature in defense of the anti-assessment position. He spoke for “three successive days against the general assessment bill” before the House. The content of his speech has not been preserved, but, according to William Henry Foote, he appealed to “the principles of natural law and of political rights, that men’s thoughts were free in religion as in politics.” Whatever Smith’s opinion regarding the change in the Presbytery’s position, there is no doubt that he defended that position with great skill. A witness declared “that he thought that debate on the part of Smith [was] one of the ablest and most interesting that he had ever listened to; and that he thought Smith deserved the victory he had gained.”⁵⁸

A few counties decided to send their own independent petitions. These reveal even more clearly the connection between individual rights and sepa-

ration. Petitioners from Rockbridge County declared that the assessment bill was contrary to the Bill of Rights and a “glaring violation of our Religious Liberty.” They insisted that the legislature had no role in religious affairs because in “the discharge of the duties of Religion every man is to account for himself *as an Individual*” and, as a consequence, religion “ought not to be made the object of *any* Human Law” (emphasis added). And if their separationist intentions were not clear, they rephrased the point by insisting that religion was “wholly Destitute from the secular affairs of public society.”⁵⁹

Petitioners from Botetourt County opened their petition with a diatribe against the assessment bill on the grounds that it was outside of the “purview of the Legislature and a Most flagrant violation of the Bill of Rights.” They reminded the legislature that they had “a natural and constitutional Right of professing our Religious opinions agreeable to the Dictates of Conscience.” To them, Article 16 gave “men of Every persuasion who are Citizens an Equil Right to the free exercise of Religion according the dictates of Conscience.” They concluded their petition by bringing home the centrality of rights in their thinking about establishments: “to part from the Chief Cornerstone of our Government [illegible] of our Religious Liberty which Reason and Conscience left us are the Natural and unalienable Rights of Mankind is a sacrifice which we cannot nor will not make.” Virginia Presbyterians left little doubt as to their position on church-state relations, which emerged from their views of natural rights.⁶⁰

The remaining miscellaneous petitions varied widely in tone and content, but they followed the basic logic of the other petitions: the natural rights of equality and religious freedom demand the separation of religion and government. Even the most religion-centered petitions relied on rights and secular arguments. An overall summary of their objections to the proposed establishment could easily be summarized by this statement from the Dinwiddie County petition: the assessment would be “injurious to the liberties of the people, destructive to true Religion, and which may be fatal to the happiness, and prosperity of this Commonwealth.” Pleas for rights were woven throughout the petitions and played a crucial role in their overall thinking on the subject of establishments. Distinctions between the evangelical/pietistic and rationalist positions were more in emphasis and language

than in substance. Like the rationalists, they believed that entanglements of religion and government harmed religion, the state, and individual rights.⁶¹

The accommodationist characterization of the dissenters as pietistic protestors only out to protect “the church” from the state does not square with the evidence. At every turn the dissenters opposed all attempts to create an assessment even when it would have benefited their own denomination. They argued against all establishments of religion, which they saw as incompatible with the natural rights promised to them in the Declaration of Rights. Significantly, it was the promise of equality in the exercise of their religion that provided grounds to disestablish religion. Equal free exercise was incompatible with establishments, thus they insisted that the government had no jurisdiction to legislate on the subject of religion except to protect them in their rights. Separation, to them, was not anathema to religion. Instead, it was necessary for the purity of religion. As a persecuted minority, the dissenters offer a unique and important perspective on the true meaning of religious liberty and the First Amendment. For this reason, they should be taken seriously. The dissenters may have wanted to separate religion from government for different reasons, but their conception of the proper relationship between religion and government was no different than James Madison’s or Thomas Jefferson’s.



NOTES

1. John A. Ragosta, *Wellspring of Liberty: How Virginia's Religious Dissenters Helped Win the American Revolution and Secured Religious Liberty* (New York, 2010). Thomas E. Buckley in *Church and State in Revolutionary Virginia* (Charlottesville, 1977), 182. There were some histories written on the dissenters' role in disestablishing religion, but as sectarian histories they are suspect (see, for example, Robert Boyle C. Howell, *The Early Baptists of Virginia* [Philadelphia, 1864]; Charles F. James, *Documentary History of the Struggle for Religious Liberty in Virginia* [Lynchburg, Va., 1900]; and Jacob Harris Patton, *The Triumph of the Presbytery of Hanover, or, Separation of Church and State in Virginia* [New York, 1887]).
2. Carl H. Esbeck, "Dissent and Disestablishment: The Church-State Settlement in the Early American Republic," *Brigham Young University Law Review* [2004]: 1590 (last quotation). Philip Hamburger claims, "The religious dissenters who participated in the campaign against establishments and whose claims seem to have affected the wording of the constitutional guarantees against establishments made demands for a religious liberty that limited civil government, especially civil legislation, rather than for a religious liberty conceived as a separation of church and state" (Philip Hamburger, *Separation of Church and State*, [Cambridge, Mass., 2002], 107). Carl Esbeck argues that dissenters sought "to protect their religion from government regulation" rather than "a separation of religion-based values from government and public affairs" (Esbeck, "Dissent and Disestablishment," 1580). According to Buckley, "the evangelicals articulated a consistent theory of religious liberty with a scriptural basis and ecclesiological perspective" distinct from the rationalists (Buckley, *Church and State*, 178).
3. Esbeck asserts, "This was a separation of church and state that insisted that all religions were equal before the law, but also a separation where moral values based on religion were welcomed in the marketplace of ideas and in the formation of public policy and law" (Esbeck, "Dissent and Disestablishment," 1579–80). Similarly, Buckley claims that "these two groups coalesced because they saw in the incorporation act and the assessment proposal a threat to two basic principles: the right of all religious groups to equality of treatment by the state and the noninterference of civil government in the affairs of the church" (Buckley, *Church and State*, 177).
4. James Madison to William Bradford, 24 Jan. 1774, *Founders Online*, <https://founders.archives.gov/documents/Madison/01-01-02-0029> (accessed 5 Dec. 2018).
5. Buckley claims that Henry wrote the fifteenth and sixteenth articles (Buckley, *Establishing Religious Freedom: Jefferson's Statute in Virginia* [Charlottesville, 2013], 53). But the only source for this claim is Edmund Randolph's "History," and most historians think that Randolph was mistaken. For a critique of Randolph's version, see Kate Mason Rowland, *The Life of George Mason, 1725–1792* (2 vols.; New York, 1892), 1:236–39; James Madison, "Madison's Amendments to the Declaration of Rights, [29 May–12 June 1776]," *Founders Online*, <http://founders.archives.gov/documents/Madison/01-01-02-0054-0003> (accessed 5 Dec. 2018) (first and second quotations); James Madison, "Autographical Notes," in Lenni Brenner, ed., *Jefferson and Madison on Separation of Church and State: Writings on Religion and Secularism* (New Jersey, 2004), 393.
6. Madison, "Madison's Amendments," 174–75. In the phrase "under &c." in Madison's amendments, the "&c." refers to the following two clauses of Mason's original version: "colour of religion, any man disturb the peace, the happiness, or safety of society. And that it is the mutual duty of all

to practice Christian forbearance, love, and charity, toward each other.”

7. For this shift in Virginia, see Chris Beneke, *Beyond Toleration: The Religious Origins of American Pluralism* (New York, 2006), 133–34.

8. Memorial from the Hanover Presbytery, 24 Oct. 1776, Library of Virginia, *Digital Collections*, http://digitool1.lva.lib.va.us:1801/view/action/singleViewer.do?dvs=1544041521305~151&locale=en_US&show_metadata=true&VIEWER_URL=/view/action/singleViewer.do?&DELIVERY_RULE_ID=4&search_terms=legpet%20hanover%20presbytery%201776&adjacency=N&application=DIGITool-3&frameId=1&usePid1=true&usePid2=true (accessed 5 Dec. 2018) (cited hereafter as LVDC). All dates for these petitions are from the dates they were submitted to the General Assembly.

9. *Journal of the House of Delegates, 1776* (Richmond, 1828), 7 (cited hereafter as *JHD*).

10. Committee of the County of Augusta, 9 Nov. 1776, LVDC.

11. See Edwin S. Gaustad, *Roger Williams* (New York, 2005); Charles F. Irons, “The Spiritual Fruits of Revolution: Disestablishment and the Rise of the Virginia Baptists,” *Virginia Magazine of History and Biography* 109 (2001): 161n5.

12. *JHD*, 15.

13. Dissenters of Tuscarora Congregation, 25 Oct. 1776, LVDC.

14. Dissenters in Albemarle, Amherst, & Buckingham, 22 Oct. 1776 and 1 Nov. 1776, LVDC.

15. “The sentiments of the several companies of militia and freeholders of Augusta,” *Virginia Gazette* (Purdie), 18 Oct. 1776.

16. William H. Whitsitt, *Life and Times of Judge Caleb Wallace: Some Time a Justice of the Court of Appeals of the State of Kentucky* (Louisville, 1888), 43; “Queries on the subject of Religious Establishments,” *Virginia Gazette* (Purdie), 8 Nov. 1776.

17. *Ibid.*

18. William Waller Hening, *The Statutes at Large; Being a Collection of all the Laws of Virginia, From the First Session of the Legislature, in the Year 1619* (13 vols.; Richmond, 1821), 9:164–67; Thomas Jefferson, “Autobiography,” in Adrienne Koch and William Peden, eds., *The Life and Selected Writings of Thomas Jefferson: Including the Autobiography, the Declaration of Independence and His Public and Private Letters* (New York, 2004), 40.

19. Buckley, *Church and State*, 34; Hening, *Statutes at Large*, 9:165.

20. “The SENTIMENTS of THE BAPTISTS with regard to a GENERAL ASSESMENT,” *Virginia Gazette* (Dixon & Hunter), 28 Mar. 1777. See also “Declaration of the Virginia Association of Baptists,” *Founders Online*, <https://founders.archives.gov/?q=Declaration%20of%20the%20Virginia%20Association%20of%20Baptists&cs=11113111111&sa=&r=2&sr=> (accessed 5 Dec. 2018).

21. James, *Documentary History*, 102–3.

22. Presbytery of Hanover Petition, 3 June 1777, LVDC.

23. “A Freeman of Virginia,” *The Freeman’s Remonstrance Against an Ecclesiastical Establishment: Being Some Remarks on a Late Pamphlet . . .* (Williamsburg, 1777), 8.

24. *Ibid.*, 8, 11–12.
25. *Ibid.*, 5, 9, 12.
26. Buckley, *Church and State*, 46.
27. *Ibid.*, 49–50.
28. Amherst County filed as “Citizens: Petition,” 1 Nov. 1779, LVDC. Two copies of this petition were submitted to the legislature, one with sixty-five signatures and the other with 105 signatures.
29. James, *Documentary History*, 107.
30. “To Thomas Jefferson from Rev. John Todd, 16 August 1779,” *Founders Online*, <https://founders.archives.gov/documents/Jefferson/01-03-02-0077> (accessed 5 Dec. 2018).
31. “A Bill concerning Religion, 1779,” in Buckley, *Church and State*, 186.
32. Warwick County Petition (filed under “Freeholders & Inhabitants: Petition”), 15 May 1784, LVDC.
33. James, *Documentary History*, 120; Baptist Association Petition, 26 May 1784, LVDC.
34. Clergy of the Presbyterian Church: Petition, 26 May 1784, LVDC.
35. Clergy of the Protestant Episcopal Church: Petition, 4 June 1784, LVDC.
36. H. J. Eckenrode, *Separation of Church and State: A Study in the Development of the Revolution* (Richmond, 1910), 79–80; *JHD*, 11 Nov. 1784, 17.
37. Buckley, *Church and State*, 93; Eckenrode, *Separation of Church and State*, 89.
38. William Henry Foote, *Sketches of Virginia: Historical and Biographical* (Philadelphia, 1850), 338.
39. United Clergy of the Presbyterian Church: Petition, 14 Nov. 1784, LVDC.
40. *Ibid.*; James Madison to James Monroe, 12 Apr. 1785, *Founders Online*, <https://founders.archives.gov/documents/Madison/01-08-02-0141> (accessed 5 Dec. 2018).
41. Rockingham County filed as “Inhabitants: Petition,” 18 Nov. 1784, LVDC.
42. Rockbridge County, 1 Dec. 1784, in Eckenrode, *Separation of Church and State*, 97–98.
43. Semple, *A History*, 69–70 (first quotation); Committee of Several Baptist Associations: Petition, 11 Nov. 1784, LVDC.
44. *JHD* (1784), 25; Petition of John Todd and John Blair Smith, 18 Nov. 1784, LVDC.
45. Dinwiddie County filed under “Citizens: Petition,” 1 Dec. 1784, LVDC; Eckenrode, *Separation of Church and State*, 101; James Madison to Thomas Jefferson, 9 Jan. 1785, *Founders Online*, <https://founders.archives.gov/documents/Madison/01-08-02-0122> (accessed 5 Dec. 2018).
46. James Madison to James Monroe, 29 May 1785, *Founders Online*, <https://founders.archives.gov/documents/Madison/01-08-02-0156> (accessed 5 Dec. 2018).
47. *Washington and Lee University: Historical Papers* (5 vols.; Lexington, Va., 1890), 2:100.
48. Irons, “The Spiritual Fruits of Revolution,” 164; Semple, *A History*, 71.
49. Buckley, *Church and State*, 149; Surry County, “Inhabitants: Petition,” 26 Oct. 1785, LVDC.

50. Surry County, 26 Oct. 1785, LVDC.
51. Baptist Association: Petition, 3 Nov. 1785, LVDC.
52. Baptist Association: Remonstrance, 17 Nov. 1785, [listed as “Inhabitants: Remonstrance,” 1 Nov. 1786], LVDC. See Lewis Peyton Little, *Imprisoned Preachers and Religious Liberty in Virginia: A Narrative Drawn Largely from the Official Records of Virginia Counties, Unpublished Manuscripts, Letters, and Other Original Sources* (Lynchburg, 1938).
53. William Henry Foote, *Sketches of Virginia: Historical and Biographical* (2 vols.; Philadelphia, 1850–55), 1:341.
54. Ministers and Lay Representatives of the Presbyterian Church: Petition, 2 Nov. 1785, LVDC.
55. Ibid.
56. Ibid.
57. Ibid.
58. Foote, *Sketches of Virginia*, 1:345, 431.
59. Nineteen came in on 12 November from various counties, one on 15 November from Frederick County (filed under “Members of the Presbyterian Church: Petition”), and one on 18 November from Berkley County (filed under “Petition: Presbyterian Citizens”) in support of this Presbyterian petition, all in LVDC; Rockbridge County filed under “Inhabitants: Petition,” 2 Nov. 1785, LVDC.
60. Botetourt County filed under “Inhabitants: Petition,” 29 Nov. 1785, LVDC.
61. Dinwiddie County filed under “Inhabitants: Petition,” 28 Nov. 1785, LVDC.

