

FIGHTING FOR FREEDOM:  
How Virginia's Religious Dissenters Helped Win the American Revolution  
and Religious Liberty

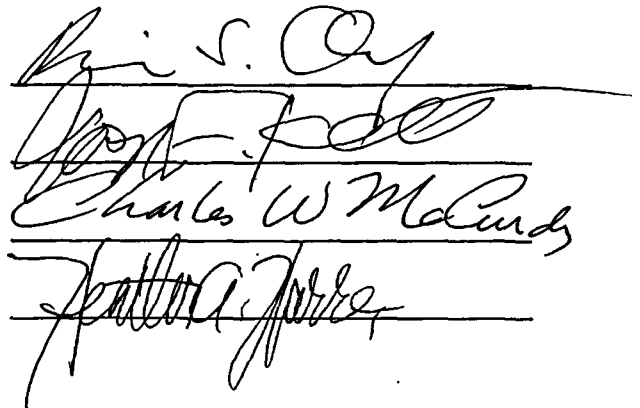
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## ABSTRACT

Before the American Revolution, the Anglican Church was the official, “established” church in the colony of Virginia; “dissenters,” in particular Baptists and Presbyterians, faced serious discrimination, harassment, even arrest. Yet, in spite of this persecution and the dominant political position that members of the established church maintained in the new state, these sects – accounting for as much as one-third of Virginia’s population – became instrumental in supporting the fight for independence and the closely-related fight for religious freedom.

During the Revolution, Virginia’s Anglican political establishment and dissenters entered into a complex and extended negotiation. Baptists and Presbyterians agreed to support the Revolution, including mobilizing troops (and the evidence indicates that they did mobilize as promised); in return, Virginia’s political leaders provided greater religious liberty. By the war’s end, establishment leaders found that dissenters could no longer be ignored, and dissenters played the critical role in defeat of proposals for a general assessment to benefit all Christian sects and in adoption of Jefferson’s Statute for Establishing Religious Freedom.

Contrary to the view of many historians that the democratizing influence of evangelical religion republicanized the polity after the Great Awakening, in Virginia, control by the established political leadership was largely undiminished as the war approached. Thus, the Revolution was not so much a gentry response to dislocation caused by the evangelical “Awakening” in pre-war years; rather, during the Revolution, the political

and religious establishment was forced to accept dissenter demands and, in the process, dissenters were politicized and the polity democratized.

This dissertation also considers the extent to which British leadership responded to the role of religious dissent in the political milieu of revolutionary Virginia.

Finally, this study considers the ramifications of this dialogue between dissenters and patriot leaders for our understanding of religious freedom. While there is little doubt that development of religious freedom in Virginia played a central role in development of religious liberties in other states and in the First Amendment, the dissenters' part in that development and their extremely robust understanding of that freedom – including a strict separation between church and state – has not been adequately privileged.

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## PREFACE AND ACKNOWLEDGEMENTS

Any graduate student can regale those who would listen with stories about the travails of research in various archives: finding shelves empty which should include an important volume, finding that a text relied upon by another author does not quite provide the information or argument suggested, spending hours in front of a creaking microfilm machine (alas, still necessary today) to find that critical pages are illegible no matter the magnification or focus. Handwritten eighteenth century documents provide an additional opportunity for concentration and headaches. Equally frustrating when one is engaged in the extraordinarily intensive effort to place oneself into the life of a society centuries past and produce an important work of scholarship is to be constantly reminded of the administrative requirements of twenty-first century educational institutions – sometimes not the most efficient or user-friendly operations. Often, on the all too infrequent occasions when I would find the opportunity to visit Peter Onuf's office, in the course of our conversation I would mention the slowness of research or writing or the frustrations of research or academia. Inevitably, Peter would end our conversation by asking – already knowing the answer – “Are you still having fun?” All things considered, I have had a great deal of fun and am honored to have had the opportunity to pursue a graduate degree in history, first at George Washington University and then at the University of Virginia. To all who had a part in that, from professors to librarians, to administrators, to colleagues, to students, I am deeply grateful. I must mention in particular the initial guidance and constant encouragement of David Silverman of George Washington University.

In terms of this specific project, I am, of course, deeply indebted to the invaluable assistance of Peter Onuf with his remarkable ability to formulate ideas and grasp the broad implications (not to mention the possibilities) of incomplete research. In addition, I hope that I can do justice to the very insightful suggestions of my dissertation committee: Joseph Kett, Chuck McCurdy, Heather Warren and Peter.

I would be remiss not to mention particularly the exceptionally kind assistance of a number of librarians, including those at Alderman Library (especially the government document librarians Anne Benham, Elizabeth Margutti and Barbie Selby) and the Small Special Collections Library at the University of Virginia, the British National Archives in London (where I did do a good bit of research while celebrating a wonderful twenty-fifth anniversary), the Library of Virginia (especially Brent Tarter's suggestions and assistance), the Union Theological Seminary, the Baptist Historical Society at the University of Richmond, the Rockefeller Library in Williamsburg and, no less, the Culpeper County Library (where Ann Robson and the rest of the staff always cheerfully assisted in placing odd Interlibrary Loan requests). In addition, I was the recipient of much kind guidance on the use of mapping software by Chris Gist of the Scholars' Lab in Alderman Library.

Of course, I am also deeply cognizant of the fact that an education is much more than research and writing. Whatever the reception of this work, I could not imagine having pursued this effort without the spectacular opportunity to discuss history, in all of its academic and modern meanings, with such fine colleagues. I will always be indebted to my brilliant and engaging friends from our HIUS 701-702 class and to those who have

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No one would expect that I could end these acknowledgements without publicly thanking my family. There are innumerable things for which to thank them – for Liz's cups of tea and plates of cookies, for changing our lives and moving to Rixeyville, for holidays and normal days and walks to the river. As any husband and parent can confirm, my life is so intertwined with that of Liz, Greg and Sarah that I can no longer imagine it without their presence. If they do not enjoy this book – early American history not being a top priority for any of them – I hope that, more importantly, they enjoyed and appreciate the time in Arlington and Rixeyville when I slowly stopped being a practicing lawyer so that I might pursue a compelling desire to study and teach history to future scholars. The self-absorbed practice of working on a dissertation would have been unbearable without their constant presence, assistance and love.



**FIGHTING FOR FREEDOM:  
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**INTRODUCTION**

Prior to the beginning of the American Revolution, no British colony was more protective of its established church, nor more abusive of its religious dissenters, than Virginia. By the time of the Philadelphia constitutional convention in 1787, no state provided more extensive and carefully-crafted protections for religious liberty than Virginia.

Unfortunately, the magnitude and significance of this transformation have often been obscured or, at best, underestimated. To appreciate fully the change which occurred in Virginia during the American Revolution and the years immediately thereafter – not only in the area of religion, but the concomitant change in the nature of the Virginia political community itself – requires an appreciation of several facts which have often been misinterpreted or minimized in the literature.

- Prior to the Revolution, the established church in Virginia was vibrant and growing. It was not subject to collapse or an easy “evangelical revolt.” Its lay leaders had firm control of the government both before and during the Revolution.<sup>1</sup>
- Prior to the Revolution, the discrimination and persecution imposed by Virginia on its religious dissenters, primarily Baptists and Presbyterians, was severe. Of course, they were forced to pay taxes to support the Church of England and faced

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1     *Compare Isaac, Transformation.*

other civil disabilities. More seriously, dissenters were often physically attacked and beaten during worship. From 1768 to 1774, over half of the Baptist ministers in Virginia were incarcerated at some time or another for preaching. As a result, when the Virginia establishment turned to its citizens for support for wartime mobilization, every dissenter, Baptist and Presbyterian, was deeply conscious of the severity of the persecution visited upon dissenters by the same establishment leaders.<sup>2</sup>

- While the Great Awakening<sup>3</sup> and its aftermath certainly increased the colonials' consciousness of the worth of the individual, and newly formed evangelical churches provided examples of a republican polity, prior to the Revolution, at least in Virginia, the government was far from republicanized as the war began. For example, given the Anglican gentry hierarchy's firm control of the government, dissenters were unable to obtain even minor reforms prior to the war.<sup>4</sup>

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2 Compare, e.g., Meade, *Old Churches*, 1:426.

3 The "Great Awakening" or "First Great Awakening" was a period of increased religious activity and evangelism in Britain and America from the mid-1730s through the 1750s. While religious activity in Great Britain shared in the heightened ardor of the period, the revivalism and evangelicalism of the movement is generally associated with colonial America. The movement crossed denominational lines, including, *inter alia*, Congregationalists, Presbyterians, Baptists and Anglicans. The origins of the Methodist Church can be found in the evangelical movement of members of the Church of England in this period.

4 Compare Heimert, *Religion in the American Mind*; Bonomi, *Under the Cope of Heaven*. For a text that also questions the extent of democratization prior to the war, see McConville, *King's Three Faces*.

Yet, recognizing how fundamentally the Virginia political system and its treatment of religion changed during the course of the war begs the question of how those changes occurred.

Fortunately, the dissenters and their establishment protagonists left a rich documentary history, particularly in the form of several hundred religious petitions filed with the House of Burgesses and later the House of Delegates.<sup>5</sup> Those petitions (and other documents) demonstrate that during the war dissenters insisted on religious freedom in return for their support for mobilization. What ensued was a complex and extended negotiation in which the political establishment – in the face of repeated and continuing petitioning – slowly, grudgingly, step-by-step, made just enough reforms at the various stages of the war to maintain the much-needed support of the dissenters for mobilization.

During the American Revolution, Virginia's dissenters fought for freedom: both freedom of religion and freedom from British rule. The two were intimately linked, not simply in a theoretical or principled sense, but in a very practical sense – they would not have mobilized for the latter without the provision of the former, and a new analysis of the evidence shows that they did mobilize as effectively as Anglican Virginians, arguably more so near the end of the war. The immediate – albeit far-reaching – result of the negotiations between the dissenters and establishment was that Virginia witnessed the de-

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5     Petitioning was a common means for eighteenth century citizens to seek redress of grievances. Bailey, *Popular Influence*. Yet the religious petitions from revolutionary Virginia evidence a change in the pattern and significance of petitioning. While petitions had previously focused primarily on local problems of interest to an individual or small group, the Virginia dissenters mounted a concerted campaign on a pressing issue of general import to the entire commonwealth.

velopment of religious freedom and an understanding of that freedom which still speaks loudly today. Equally important, in the process of this negotiation, Virginia was changed. The establishment gentry were forced to incorporate a broader population – dissenters, westerners, middling and lower class – into the Virginia polity. Disestablishment did not result from the republicanization of Virginia, rather, negotiating disestablishment politicized the dissenters a process which caused republicanization.

\* \* \* \* \*

The Church of England was the established church of colonial Virginia. Local Anglican vestries collected taxes to support Anglican clergy, to maintain a parish church and glebe land, and for poor relief. Regular attendance at Anglican services was mandatory; while the law was often honored in the breach, dissenters, primarily Presbyterians and Baptists, frequently found themselves being fined for their absence. Anglican clergy had the exclusive right to consecrate marriages. The same lay leaders who controlled the church in Virginia were in firm control of the House of Burgesses during the colonial period, and the same establishment leaders controlled the series of Virginia Conventions and, after 1776, the new Virginia General Assembly. As the war approached, the Church of England in Virginia was itself strong and growing. The legal dominance of Anglicanism was unmistakable to an eighteenth century Virginian.<sup>6</sup>

Nonetheless, as in other colonies, the years between the Great Awakening and the American Revolution saw a swelling presence of evangelical dissenters in Virginia. Scotch-Irish Presbyterians from Pennsylvania had been migrating to the Shenandoah Val-

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6 See generally Nelson, *Blessed Company*; Rhoden, *Revolutionary Anglicanism*.

ley in large numbers since the 1730s. After Samuel Davies received the first formal license to preach as a dissenter in Virginia in 1747, significant numbers of Presbyterian dissenters began to flow down the east face of the Blue Ridge into the Piedmont. In the 1760s, the growth of evangelical Baptists – primarily across the Piedmont, but beginning to enter the Tidewater – was to eclipse the growth of Presbyterianism in Virginia, albeit not yet overtake it in terms of the total number of adherents. By 1775, dissenters accounted for as much as one-third or more of the Virginia population.

The Baptists interlopers were particularly “enthusiastic,” and their outdoor preaching was often viewed as particularly disruptive by both Anglican ministers and lay gentry leaders. Separate Baptists were generally unwilling to seek a license to preach from the General Court in Williamsburg, effectively denying the establishment’s authority to control their progress. When questioned by authorities, the Separates would declare that their license to preach was from a higher authority – certainly an insult to a self-respecting member of the Virginia gentry hierarchy. Moreover, even when dissenters were willing to seek a license obtaining one was not always a simple matter. As one Baptist minister described the challenge, “thro’ the whole process of this business, from the beginning to the end, obstructions and difficulties lay in the way... [we had] to find the court in such a temper and capable of exercising such generosity as to grant a license, and after all this, it was left uncertain and precarious, and depended on the will and temper of the clergy whether we should succeed or not.”<sup>7</sup> Some dissenters refused to take the oath required to receive a license. Even when a license was received, it did not elimi-

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7      Fristoe, *Concise History*, 69-70.

nate the political dominance of the established church, establishment taxes or the unofficial harassment from Anglican supporters abetted by local officials.

While Presbyterians continued to experience civil discrimination and some degree of persecution, Baptist enthusiasm seemed to invite a violent opposition on the frontier of Baptist expansion into previously strong Anglican counties (*see* Maps 1 and 2: comparing the strength of dissenting churches by county and incarcerations for preaching and related activities). The boiling point was reached in 1768 when four Baptists ministers preaching in Spotsylvania County were arrested for preaching without a license. Refusing to commit to not preaching in the county for a year, the Baptists were jailed, where they proceeded to preach from their jail cell to large crowds, setting a precedent for years of Anglican and dissenter conflict.

With Spotsylvania providing an example for Anglican leaders, but obviously not wisdom, Baptist preachers faced a flurry of arrests which they turned to their advantage as a tool to proselytize. By the end of 1774, more than fifty Baptist ministers had been jailed for preaching – over half of the total number of Baptist ministers in Virginia – with 1774 seeing the second highest rate of incarceration in the seven year period. Every dissenter in Virginia must have known, or known of, several ministers who had been jailed.

Equally troubling, those attending dissenter meetings (to preach or listen) were subject to violent assault in the years leading up to the Revolution. Men on horseback would often ride through crowds gathered to witness a baptism. Preachers were horse-whipped and dunked in a rude parody of their baptism ritual. In one case, a hornets' nest was thrown into a meeting house during worship, in another, a snake. Even when Baptist

ministers would endeavor to preach from their jail cells, supporters of the establishment would beat drums or otherwise discourage listeners, crowds would be subject to dispersal, one minister began to preach to have his face urinated on, another, his arms outstretched in prayer through the window of his jail cell cut with a knife. Black attendees at meetings – whether free or slave – were subject to particularly savage beatings. A leading member of the House of Burgesses was reportedly responsible for the high wall erected around the Chesterfield jail in an effort to stop the jailhouse preachers.

Sectarian histories emphasized this persecution in the early nineteenth century, but since then there has been a tendency to underestimate its severity. Yet, to appreciate the dialogue that was to unfold between dissenters and establishment leaders, the perception of the Virginia dissenters at the time must be considered. For them, the persecution was severe and immediate. Persecution did not need to be constant nor ubiquitous to be deeply felt. Even Presbyterians, who were generally spared incarceration and beatings, were disturbed by the treatment of the Baptist and the seemingly tenuous nature of religious toleration in colonial Virginia.

As Virginia changed from a colony to a state, the leaders of the new polity were the same establishment leaders who had encouraged or participated in the persecution. For example, Edmund Pendleton – the Chairman of Virginia's Committee of Safety, president of Virginia's revolutionary conventions and first speaker of the House of Delegates – and Archibald Cary – a leader in the conventions and first speaker of the Virginia Senate – were arch-Anglicans, both having personally sat on county benches that incarcerated Baptist preachers. Robert Carter Nicholas, Richard Henry Lee, Edmund Randolph,

Benjamin Harrison and other leaders in the Virginia conventions and General Assembly remained staunch supporters of the Church of England.

As a result, when Virginia's political leaders joined to oppose Britain, there was a serious question as to whether the dissenting members of society, as much as one-third of the populace, would fully support military opposition to Britain led by their persecutors. After all, royal officials had tended to be particularly solicitous of dissenter interests and, while Virginia dissenters were as concerned as their establishment neighbors with taxation without representation and British tyranny, they were also deeply aware of the persecution that the colonial leaders had perpetrated and of their own status largely outside of the Virginia political community. The possibility of an independent nation governed by their persecutors without the possibility of British intervention to protect dissent was as much a matter of concern as an opportunity for Virginia's dissenters. After the war began, and the political establishment had to engage the dissenters, these tensions became evident in their encounters.

Before the war – while Baptists were being incarcerated – dissenters began to petition the House of Burgesses over their disabilities. Initially, dissenters did not seek religious freedom, but, rather, sought only greater toleration. Their political status – or lack thereof – would permit nothing else. Yet, even these limited requests were unavailing. Promisingly from the dissenters' perspective, the House endorsed the notion of expanded toleration in 1772, but the proposal eventually tabled in 1774 was far from adequate – seriously limiting preaching out-of-doors and preaching to slaves, which was an important matter for many evangelicals – and even those moderate reforms were effectively



blocked by supporters of the religious establishment. James Madison, while deeply committed to improving religious freedom in Virginia, was “very doubtful” that any changes could be made given the strength of the Church of England in the House of Burgesses.<sup>8</sup>

Things began to change in 1775 when Virginia’s leaders were forced to recognize that they were going to be engaged in a military struggle with Great Britain. Still, with the “rage militaire” dominant throughout the colonies, and flush with the victories of Lexington, Concord and Bunker Hill, efforts to engage the dissenters were noticeable but carefully circumscribed. Dissenting preachers were welcomed to preach to their co-religionists among the Continental troops and militia in Virginia and were exempted from militia musters for the first time (as had been Anglican ministers for many years).

In 1776, however, prior relations among the establishment and dissenters underwent a fundamental realignment in the face of a war crisis. Recruiting was lagging badly as the difficulty of forming an effective army and warring with Great Britain became evident; moreover, news from Canada was disastrous, with 5000 men lost in that unsuccessful campaign. While the colonies celebrated General Gage’s abandonment of Boston, by shortly after the middle of the year, Washington would be facing repeated setbacks around New York. Those responsible for mobilizing men and supplies for the patriots, led by members of Virginia’s political and religious establishment, were overwhelmed.

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8 James Madison to William Bradford, April 1, 1774, Hutchinson and Rachal, eds., *Papers of James Madison*, 1:112.

In the midst of this crisis, the petitions to the Virginia conventions and new House of Delegates from the dissenters rejected notions of improved toleration. They now began to make clear that their full support for the war effort would depend upon the establishment's willingness to grant them religious freedom. Their petitions in this period were often delivered by ministers sent specifically to lobby House members for their support – inevitably presenting the opportunity to discuss orally the more delicate implications of failing to support dissenter interests.<sup>9</sup> The establishment's response is also telling: important concessions were made, but full freedom was not forthcoming. For the rest of the war, there was an extended negotiation and a series of partial concessions intended to maintain dissenters' support while maintaining, to the extent possible, some preeminence for the Anglican Church. In the process, the dissenters found themselves direct participants in the political dialogue.

While dissenter requests had escalated somewhat in 1775, the distinctly new tone was evident in an April of 1776 essay from a dissenter to the *Virginia Gazette*. That author noted that Virginia required unanimity to defend its interests.

To this end, the dissenters (equally attached to America's liberty) ought to petition their rulers for the removal of that yoke, that in these fearce [sic] times has become more grievous, in paying the established clergy, and being still obliged to have the solemnization of matrimony performed by them.

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9 For example, after the Presbytery of Hanover filed its seminal October 1776 petition, their clerk, Caleb Wallace, "was in attendance upon the assembly for six or eight weeks for the furthering of this object." Campbell, *History of the Colony*, 674 (footnote omitted).

The suggestion for dissenters to mobilize politically took on the note of a warning to establishment leaders when the author ended with “[a] word to the wise is enough.”<sup>10</sup>

It was in these circumstances that the Virginia Convention adopted a constitution and, critically, a Declaration of Rights in June of 1776. With the adept legislative maneuvering of a young James Madison, the Declaration of Rights was modified at the last minute to provide expressly for the “free exercise of religion,” rather than simply a broad toleration as suggested in George Mason’s original draft. This promise, though, was promptly put to the test.

In a little over a week after adoption of the Declaration, the Convention received a petition from Prince William Baptists warning that

We being convinced that the strictest unanimity among ourselves is very necessary in this most critical conjunction of public affairs. And that every remaining cause of animosity and division may if possible be removed, have thought it our duty as peaceable Christians, to petition for several religious privileges ... we have not been indulged with....

Dismissing forever requests only for improved toleration, the Baptists in mid-1776 requested an end to establishment taxes and restrictions on dissenters’ worship and marriages, expressly linking their support for the war to these freedoms: “*These things granted*, we will gladly unite with our Brethren of other denominations, and to the utmost of our ability, promote the common cause of Freedom.”<sup>11</sup> A flurry of additional petitions

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10 (Purdie), April 26, 1776.

11 Prince William County (June 20, 1776) (emphasis added), Early Virginia Religious Petitions, [www.memory.loc.gov/ammem/collections/petitions/](http://www.memory.loc.gov/ammem/collections/petitions/). Hereinafter petitions from this database will be cited merely by county and date. Other petitions will be cited in full. This petition from Prince William County in the Library of Congress database is damaged; language supplemented from Ryland, *Baptists of Virginia*, 98.

from both Baptist and Presbyterian strongholds – including the “10,000 name” petition organized by the Baptists and an official call for freedom from the Hanover Presbytery – dispelled any question about what the dissenters were seeking, and offering. To put a point on the danger, western dissenting counties added their threat to secede from Virginia and establish their own state.

Faced with these threats, Virginia’s establishment leaders were forced to cooperate. After years of failed reform efforts, in December of 1776, in the midst of wartime preparation, dissenters were exempted from the establishment tax and other religious penalties and the tax was suspended. Yet, this was not a willing concession on the altar of republican principle, as some contemporaries and latter-day authors have characterized it. Thomas Jefferson later reported that these debates were “the severest conflicts in which I have ever been engaged. Our great opponents were Mr. Pendleton and Mr. Robert Carter Nicholas – honest men, but zealous churchmen.”<sup>12</sup> The records from the House of Delegates bear out Jefferson’s conclusion and support the notion that reluctant leaders were being forced to come to grips with a new Virginia, one in which the political community would no longer be synonymous with the gentry leaders of the established church and in which dissenters (of western counties and of middling and lower class) would be agents in the political process. Virginians did not simply prosecute the war as a united republican front in opposition to Britain; the united front was formed by way of negotiation and compromise. While contemporaneous Anglican reporters, including Edmund Randolph and Edmund Pendleton, attempted to minimize the conflict involved – and their rhetoric

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12 Jefferson, *Autobiography*, 34.

has too often influenced later histories – it is evident that they were simply putting a conciliatory face on a difficult compromise.

Compelling evidence of the nature of the negotiation is provided by the Anglican response to the suspension of the church tax, petitions which have received too little attention in the literature. In 1777, frustrated Anglican petitions (often printed, rather than handwritten) protested the decision to suspend the establishment tax and exempt dissenters. They urged the House to delay consideration of religious reform until after the war (when dissenters' leverage would evaporate), arguing that, given the controversial nature of establishment and religious regulation, it "should be debated at a time when you have nothing of more importance to engage attention." Knowingly, they identified exactly what the dissenters were doing: The Anglicans "would by no means wish to see Churchmen adopt the principles of Dissenters, withhold their concurrence in the common cause until their particular requests are granted, for by such conduct all may be lost." Rather than threatening to withhold support, Anglican petitions recognized reluctantly that if the issue could not be postponed establishment would have to be sacrificed to unanimity in the war effort.<sup>13</sup> Contrary to their intended purpose, the Anglican protests acknowledged what Virginia's political leaders had already surmised: They would have to make enough concessions to dissenters to maintain their support for mobilization and in so doing could retain the support, even if chagrined, of Anglicans.

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13 Mecklenburg County (May 29, 1777). Also Cumberland County (May 21, 1777) and (November 6, 1777) (petitions missing, summaries like Mecklenburg petition), Lunenburg County (December 11, 1777) (petition missing, summary like Mecklenburg petition), Westmoreland County (October 9, 1778).

Tellingly, the result was not the collapse of the Anglican establishment's political power nor prompt or effective adoption of religious freedom as some have suggested. Rather, the dialogue between the political leaders and dissenters was to continue throughout the war; the negotiations resulted in grudging and piecemeal reform with concessions paralleling military need.<sup>14</sup> In 1777, dissenters were given the right to form their own military companies officered by their own co-religionists; exemptions from militia musters for dissenting ministers were also clarified. In 1779, oath requirements were eased and an Anglican effort to encourage adoption of a general assessment to support all denominations was defeated, both in response to dissenter petitions. More importantly, in December of 1779, the establishment tax was wholly repealed, rather than continuing the annual suspensions which had been enacted since 1776. In 1780, the General Assembly adopted some vestry reform, removing Anglican vestries' civil authority in the seven westernmost (primarily Presbyterian) counties. In addition, the marriage laws were finally reformed to legitimize dissenter weddings – subject to a series of limitations.

Having identified these negotiations raises the question of whether the dissenters delivered the support sought and promised. The evidence suggests that they did. Most interestingly, a number of Baptist ministers who had been incarcerated for preaching prior to the war, and who could claim exemptions from service based on war-time reforms, served in a military capacity. This could not be mere happenstance. In addition, there is substantial evidence that both Baptist and Presbyterian ministers responded to

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14 Curry's conclusion that the war prevented Virginia from focusing further on these issues until 1783, while a position urged by the Anglicans, is simply not correct. Curry, *First Freedoms*, 139.

government requests that ministers preach mobilization, requests which were often targeted directly at dissenters, an exchange which itself evidenced how much Virginia had changed. While data on mobilization are very hard to obtain and evaluate, a county-by-county statistical review also suggests that counties with a large dissenter population were at least as likely as Anglican counties to support mobilization for the war in both men and supplies – interesting in itself given the disabilities and persecution which they faced before the war. Moreover, given their dialogue with establishment leaders, dissenters in Virginia did not evidence the loyalism that played a significant role among dissenters in other southern states, dissenters who had far less cause to oppose their local Anglican leaders than did the dissenters of Virginia.

Given the nature of the wartime negotiations for mobilization, it is not surprising that the end of the war saw a change in the dialogue between the dissenters and the establishment; that change, though, provides further evidence of the nature of the negotiations during the war. After Yorktown, as the necessity for dissenter cooperation in mobilization waned, the ongoing dialogue between dissenters and the establishment seemed to end. For three years dissenters continued to petition the House for additional reforms to finish the process of liberalization begun during the war, but, unlike the incremental and repeated reforms of the war years, these pleas were essentially ignored. In fact, by 1784, Anglican petitions began to appear that sought to resuscitate the power of the established church, now the Protestant Episcopal Church.

With former establishment leaders still populating the halls of the General Assembly, these petitions met with initial success. Establishment leaders rallied to incorpo-

rate the Protestant Episcopal Church and, at the same time, relieve it of statutory controls on its liturgy dating to the colonial era. More importantly, the notion of a general assessment to ensure tax dollars to all Christian churches, especially important to the struggling Episcopal clergy, was initially approved by the House in November 1784.

Through a series of adept maneuvers, James Madison was able to delay final consideration of the assessment proposal until the General Assembly's October term of 1785. In the interim, the error of the establishment leaders became evident. The politicization of the dissenters and resulting republicanization of the Commonwealth were irreversible. Not only had the incorporation of new western counties increased the dissenters' direct political power by some degree – itself a wartime concession to expand the polity – but, more importantly, the dissenters had been politicized by the war negotiations, and their voice could no longer be ignored. As a result, a deluge of dissenter protests, together with Madison's famous *Memorial and Remonstrance*, utterly undermined the general assessment proposal. Again the attack was led by the Baptists in a series of petitions which insisted that any government support for religion was inconsistent with the "Spirit of the Gospel." After an initial hesitation on the part of their clergy, Presbyterian communities joined vocally in the protests. By January of 1786, the establishment was in full retreat, and dissenters were successful in a campaign to carry Jefferson's Bill for Establishing Religious Freedom into law. As if to provide a capstone for the change in Virginia politics, in 1786, the incorporation of the Episcopal Church – and with it any notion that government and church were intimately related – was withdrawn. Virginia had changed during the Revolution, and the magnitude of that change was now remarkably clear.



During the war and its immediate aftermath, Virginia's dissenters wrested religious freedom from the political establishment in a prolonged and difficult negotiation in which dissenters threatened that the price for their mobilization to support the war was religious freedom. Equally important, the process itself – forcing the establishment to engage intimately with a far broader population – brought dissenters into the polity, democratizing Virginia's politics.

Thus, when Rhys Isaac postulates that the conflict among evangelicals and establishment leaders “raises the question of whether the patriot ideology did not gain in appeal among the Virginia gentry partly because it served as a defensive response to the open rejection of deference that was increasingly manifested in the spread of evangelicalism,” he may have it backwards. Pre-war republicanization did not inevitably lead to disestablishment; rather, negotiation of disestablishment in return for mobilization politicized the dissenters and proved a key element in the republicanization of Virginia. The necessity of gaining support and cooperation from the evangelicals required patriot leaders to include freedom of religion within the definition of what it was they were fighting for and, as a consequence of the negotiations, the Virginia polity was reshaped to include the dissenters who had, prior to the war, been effectively excluded.<sup>15</sup>

During the war, while Virginia's leaders, the dissenters' former protagonists, were negotiating for the support of the dissenters, British leaders, who had historically protected dissenters, did not respond in kind in Virginia. After some initial efforts of the royal governor in North Carolina, British officials did not attempt to drive a wedge be-

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15 Isaac, *Transformation*, 265, 280.

tween the Anglican patriots running the Revolution in the south and religious dissenters. Certainly, the British understood that religious conflict could encourage loyalism. Not only had royal officials consistently been the protectors of dissenters' rights in colonial disputes, but Britain occasionally played to religious fears, for example in the Quebec Act and the Carlisle Commission Proclamation (warning dissenters of the danger to religious liberty from a Congress which would ally itself with a Catholic France). Yet, Governor Dunmore in Virginia and British officials generally proved unable or unwilling to seek to mobilize southern dissenters. One might easily attribute this lacuna to British lack of understanding of America – another opportunity missed. The truth is more complex. Key British officials were informed by loyalists who, focusing particularly on New England and the Middle Colonies, saw religious dissent as being at the core of the revolt and Anglicans as being at the center of loyalism. Britain was planning for success, and, given the loyalists' understanding of the role of dissent, British officials envisioned a post-war regime in which the Church of England would be strengthened in America, including the dispatch of bishops. With such a plan for the post-war years, it was simply not possible for British officials to drive a wedge between Anglican patriot leaders and dissenters in the south by appealing to dissenters. Even had they wished to do so, British officials also lacked the political space to negotiate with dissenters.

Looking back, it was in this dialogue and negotiation that American notions of religious freedom were developed. By the time the Constitution was crafted in 1787, Virginia had become the most progressive of the new states in protecting religious liberty. In fact, the Supreme Court and historians have repeatedly recognized that the fight for

religious freedom in Virginia provided the antecedents for the adoption of the First Amendment (and its maturation and interpretation over the course of the nineteenth century). Chief Justice Warren explained the matter thus:

This Court has considered the happenings surrounding the Virginia General Assembly's enactment of "An act for establishing religious freedom,"... written by Thomas Jefferson and sponsored by James Madison, as best reflecting the long and intensive struggle for religious freedom in America, and as particularly relevant in the search for First Amendment meaning.<sup>16</sup>

In seeking to understand that process, however, both jurists and historians have repeatedly turned to the writings of Thomas Jefferson and James Madison. Of course, both Madison and Jefferson were intimately engaged in the fight for religious freedom in Virginia, but over-emphasis of their work tends to deny an appropriate voice to the dissenters. After all, it was the dissenters who bargained for, and fought for, religious freedom. Moreover, in 1788, Virginia Baptists also engaged in a dialogue with Madison concerning the necessity of constitutional protection for religious freedom which played a major role in Madison's election to the Virginia convention and then to the first federal Congress, elections which would prove essential to adoption of the Constitution and the Bill of Rights. Contrary to the view that disestablishment would follow naturally from the republicanization of America, as the war ended, eleven of thirteen new states maintained some form of a Christian oath for participation in the polity and/or an established church. The negotiation with the dissenters in Virginia – their bargain – was not only essential to the adoption of religious freedom in Virginia but, as the Supreme Court has repeatedly noted, played a

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16 *McGowan v. Maryland*, 366 U.S. 420, 437 (1961).

seminal role in the development of religious freedom in the young republic (and, thus, in large parts of the world). As a result, their view of what it was they were bargaining for demands our attention.

Based on both theology and their experiences before and during the war, Virginia's eighteenth century dissenters had a remarkably robust notion of religious liberty. For example, they emphatically rejected the notion of a "Christian nation" on both religious and political grounds. Similarly, they were insistent that a strict separation of church and state be maintained, not because they sought to create an independent political sphere based on secular liberalism, but because they understood the danger that any entanglement posed both to religion and to religious belief. Their theology required that any commitment to religion be absolutely devoid of government suasion. Their participation in the political process during the war taught them to value the right to participate while ensuring non-interference. Their petitions repeatedly noted that any government aid to religion would inevitably make their ministers subject to the government, an anathema. They maintained a strong sense of the right of free exercise, but how could it be otherwise for a people who faced repeated incarceration for "breaching the peace" by preaching in public?

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For two hundred years, sectarian histories have told us how Virginia's dissenters, Baptists and Presbyterians, were fighting for freedom during the American Revolution. And so they were. But the fight was not simply a fight against Britain, it was equally a fight with the Virginia establishment. Virginia did not begin the war united, and it was

far from inevitable that it would fight the war that way. Before the war, the dissenters were unable to obtain even minor concessions from the establishment; their voice was simply silenced. During the war, with the necessity of recruiting and otherwise mobilizing preeminent in the minds of political leaders, the dissenters carefully and effectively parlayed threats and offers into a series of religious and political concessions.

Our sense of religious freedom was developed in Virginia precisely because this negotiation occurred. At the same time, Virginia was changed: the polity was expanded, and dissenters joined the civil community.

## CHAPTER 1: VIRGINIANS DISSENT: SNAKES, HORNETS AND BRIMSTONE

*A mob collected at one of their meetings and seized the preachers, Barrow and Mintz, and carried them to a water not far distant. There they dipped them several times, holding them under the water until they were nearly drowned, asking them if they believed. At length Mr. Barrow replied "I believe you mean to drown me."*

Semple, *History of the Baptists in Virginia*, 460.

Before the American Revolution, both Virginia's politics and its religion were dominated by an Anglican, gentry establishment. Dissenters from the established Church of England, primarily Presbyterians and Baptists, were subject to a number of legal infirmities. In the years immediately prior to the outbreak of military hostilities, the Virginia establishment blocked efforts to improve toleration for religious dissenters and at least acquiesced in, often encouraging, their severe persecution. This was all to change with the Revolution – not because Anglican and revolutionary leaders recognized the principled inconsistency of fighting for liberty from Britain while restricting dissenters' rights, but rather because the Anglican establishment grudgingly conceded the matter – step-by-step – to the dissenters' insistence that religious freedom be granted as part of the price for their support for war mobilization. As a result, while no colony had so favored its religious establishment nor more seriously persecuted dissenters before the war, after the war, no state protected religious liberty more broadly nor more clearly than Virginia. In other new states, the war did not lead to disestablishment nor need it have done so in Virginia. Moreover, the forced negotiations between Virginia's leaders and dissenters not only led to disestablishment, setting the essential precedent for the flowering of religious freedom in America, but they also resulted in a politicization of Virginia's dissen-

ters and, as a result, republicanization of the Virginia polity which was not wholly to be expected given the pre-war dominance of the Anglican gentry. The story of Virginia's persecution of religious dissent, disestablishment and war mobilization are, then, integrally linked.

Unfortunately, the importance and complexity of these negotiations have generally been overlooked, in part because key underlying facts have not been fully appreciated. First, prior to the Revolution, while Anglicans dominated the political establishment and controlled Tidewater society, Virginia was far from a monolith. From the end of the French and Indian War through the beginning of the Revolution, Virginia's dissenting denominations grew rapidly, accounting for as much as one-third of the population by the time of the Revolution (and a majority of the rifle-toting inhabitants of the Shenandoah Valley and frontier). Their support of the war was essential if Virginia was to mobilize successfully. Second, in addition to broad legal discrimination, Virginia's dissenters faced a rising level of very serious persecution in the 1760s and early 1770s, a persecution which only abated with the negotiations for war mobilization. With this persecution originating among the Anglican gentry (and royal officials historically being more solicitous of dissenters' rights), it was far from self-evident that dissenters would readily follow the same Anglican leaders to war with the mother country. Third, not only was the Church of England far healthier at the time than some have suggested, but, in spite of the rapid growth of the dissenting population, its members maintained a clear dominance in Virginia's political arena before, during and immediately after the Revolution. Only by reaching an accommodation with the powerful and entrenched Anglican establishment

could the dissenters have hoped to achieve religious liberty. At the same time, only by reaching an accommodation with the growing population of religious dissenters could the establishment have hoped to mobilize effectively for the war. Therein lie a problem and an opportunity. The resulting accommodations changed Virginia.

### Dissent in Virginia

The Church of England was the established church of colonial Virginia. Local Anglican vestries collected taxes to support Anglican clergy, to maintain a church and glebe land, and for poor relief.<sup>1</sup> The vestry assessment – taxation without representation for religious dissenters – was usually the highest tax paid by eighteenth century Virginians. Anglican clergy had the exclusive right to baptize and to consecrate marriages (leaving children of those married by dissenting ministers subject to claims of bastardy,

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1 A number of historians note that some vestrymen were dissenters, especially in the Shenandoah Valley, as evidence of the alleged mildness of Virginia's establishment. E.g. Waddell, *Annals of Augusta County*, 59; Spangler, "Presbyterians, Baptists," 64-65; Brown and Brown, *Virginia 1705-1786*, 254. This evidence of liberality is two-faced. For example, the Augusta County vestry, the preferred example, was sworn in 1767 to be "conformable to the doctrine and discipline of the Church of England," with a protest filed against two members who refused to acquiesce. In 1769, two vestry men who would not subscribe were replaced. Waddell, *Annals of Augusta County*, 214. Two years later the vestry was dissolved because "a majority of the vestry ... are dissenters" – never mind that the majority of residents in the county were dissenters. The new vestry was to be elected "conformable to the doctrine and discipline of the church of England." *Correspondence of William Nelson*, 158-59 and n. 2. See Nelson, *Blessed Company*, 286-87 (extent of dissenters on vestries exaggerated). Isaac urges that the system was lenient, noting that a 1759 "act provided that where dissenters were a majority of any vestry they might serve." Isaac, "Religion and Authority," 26. This is misleading; the statute cited by Isaac allows vestries to remove dissenters, but does not permit a minority to reshape the vestry by accusing the majority of dissent. In such an instance, the matter is to be referred to the General Assembly. Hening, ed., *Statutes*, VII:302-03. In the one known instance where that was done, the vestry was dissolved. *Ibid.*, VIII:432-33. While a few dissenters sat on vestries, they were never permitted to challenge Anglican dominance.



with resulting legal incapacities). Anglican vestries were responsible for periodic processing of boundaries in their parishes and for finding homes for orphans “bound out” by the county courts, with important consequences for local land disputes and societal relations. As late as May 1776, vestries were given additional authority to assist in appointing collectors and places of payment of all levies denominated in tobacco. Anglican ministers, unlike dissenting ministers, were exempted from militia duty. Failure to attend Anglican services regularly (or a licensed dissenting meeting house – of which there were few in Virginia) was subject to a stiff fine. Beyond legal requirements, “[t]hroughout the colony a large share of the justices and high political officers were vestrymen.” Elijah Morton lost a justice of the peace position in Orange County for being “a promoter of schisms and particularly of the sect called Anabaptists.” In the pre-war years, religion was a defining characteristic for a Virginian, and both the legal and political dominance of Anglicanism was unmistakable, particularly to a dissenter.<sup>2</sup>

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2 Nelson, *Blessed Company*, 4, 14 (parish levy heaviest tax, 2 1/2 times county levy), 211-25, 74-75; Hening, ed., *Statutes*, IX (1776), 132-33; VII (1757), 93. Sydnor, *American Revolutionaries*, 84 (quote). Scott, *History of Orange County*, 50 (quote). From 1690 to 1740, 60% of Virginia burgesses were vestrymen, and the pattern generally continued through the Revolution. Nelson, *Blessed Company*, 344 n.17. See also Gewehr, *Great Awakening in Virginia*, 31 (vestries were “depositories of power in the colony”). Arguably, the infamous dispute between the Anglican Reverend Samuel Henley (a lecturer at William & Mary) and Robert Carter Nicholas, which cost Henley the rectorship at Bruton Parish, resulted in part from Henley’s broad toleration of dissenters. This extended episode is discussed in Isaac, *Transformation*, 218-33.

In theory, dissenters might also have had their suffrage limited, but this appears not to have been the case in practice. “Under the colonial laws, no recusant was supposed to vote or hold office. A strict interpretation of this rule would have excluded from the polls and from office all who did not adhere to the Established Church; but, as a matter of fact, dissenters seem to have voted freely in the late-colonial period.” Sydnor, *American Revolutionaries*, 35 (ftnt. omitted). In the one noted case where the vote of a

(footnote continued)

Edmund Randolph, an establishment scion, was later to argue that Virginia's dissenters benefitted from "a spirit of mildness [which] was an antidote to the licensed severity of the law." Many historians have adopted that view. This is revisionist – at best legal discrimination seen through the eyes of a member of the established hierarchy. For example, while some have suggested that attendance laws were not strictly enforced, William Fristoe, a contemporary Baptist preacher, explained: "Little notice was taken of the omission [in attendance], if members of the established church; but so soon as the new-lights [evangelical Baptists and Presbyterians] were absent they were presented by the grand jury, and fined according to law." One of the earliest Presbyterians in the Piedmont of Virginia reportedly was fined 20 times for having prayer meetings in his house. On May 26, 1768, a week before the first arrests of Baptist ministers in Virginia for preaching without a license, a group of Baptists in Orange County were presented to the grand jury for missing church. For Virginia's eighteenth century dissenters, legal infirmities faced on account of religion did not seem "mild." To understand the political dynamic in Virginia before and during the Revolution, persecution of dissenters must be perceived from the dissenters' perspective.<sup>3</sup>

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(footnote continued)

Catholic was challenged in an election of a Burgess, the challenge was dismissed. Kennedy, ed., *Journals of the House of Burgesses* (1762), 127.

3 Randolph, *History of Virginia*, 158. Fristoe, *Concise History*, 64. Howison, *History of Virginia*, II:175. Isaac, "'The Rage of Malice of the Old Serpent Devil,'" 140-41. Nelson also shows that attendance laws were not a dead letter, albeit they were often enforced selectively. Nelson, *Blessed Company*, 244-52. Gewehr, *Great Awakening*, 128 (Middlesex County saw fifteen presentments for non-attendance in May 1771, eight in May 1772, eleven in May 1773; "We are told there were quite as many presentments at the other quarterly terms and that 'most of those presented were fined each time five shil-

(footnote continued)

While the 1689 English Act of Toleration had provided considerable toleration to dissenters in England, periodically arguments erupted as to whether the Act applied in the colony at all. Most famously, the first licensed Presbyterian minister in Virginia, Samuel Davies, disputed the matter with Attorney General Peyton Randolph. Davies, to silence opposition, sought and received an opinion of the British Attorney General Sir Dudley Rider in 1752 confirming applicability of the Act of Toleration to the colonies. After receipt of that opinion, rather than deny the applicability of the Act altogether, colonial government, dominated by members of the established church, generally tried to narrow its interpretation and apply its requirements strictly. The Act required dissenting ministers to swear an oath to the king, to accept the Articles of the Anglican faith (except those dealing with church governance) and to be licensed. As interpreted in Virginia, ministers and places of worship had to be licensed with the General Court in Williamsburg (ruling out itinerancy); petitioners requesting a license, before their application could be presented to the General Court, required certification by county magistrates and had to locate

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(footnote continued)

lings and the cost – very few were excused.”), quoting Letter of P.T. Woodward, clerk of court (April 28, 1873); Caroline County Order Book, 1768, 142, 272-73, 305, 348, 457, 471 (numerous presentments and fines for failing to attend parish church). *See also* Appendix A: Persons Persecuted for Religion: 18th Century Virginia, Post-1763 (listing some persons challenged for non-attendance). George Brydon, in *Virginia's Mother Church*, 2:43-44, attempts to minimize the penalty by noting the availability of licensed dissenting meeting houses and claiming that it was enforced against neither Anglicans or dissenters unless in “very peculiar circumstances.” Court records are to the contrary. Nelson notes that there is no support for Bailyn’s claim that dissenters were often relieved of establishment taxes and attendance laws. Nelson, *Blessed Company*, 451 n.12, 244-52, citing Bailyn, *Ideological Origins*, 248.

an Anglican minister willing to inquire about adherence to the Articles and certify his findings.<sup>4</sup>

These provisions were used, whenever possible, to harass and restrict the spread of dissenters. For example, dissenters who preached before seeking a license could be denied licenses, licensing by county courts was specifically disallowed, and dissenting ministers were required to travel to Williamsburg (often a considerable trip for Piedmont and Shenandoah Valley ministers) to receive a license from the General Court which met only twice a year. When several Baptist preachers arrested in Chesterfield County offered to take the oaths required by the Act of Toleration before the county court, the court declared that doing so there would not suffice to satisfy the Act. Fristoe complained that “I knew the general court to refuse a license for a Baptist meeting house, in the county of Richmond, because there was a Presbyterian meeting house already in the county....” As he summarized the difficulties,

thro’ the whole process of this business, from the beginning to the end, obstructions and difficulties lay in the way – first to get signers to a petition, second to get a certificate from two acting magistrates in the county from which the petition was sent, thirdly to find the court in such a temper and capable of exercising such generosity as to grant a license, and after

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4 Thompson, *Presbyterians*, 54-56; Davis, “Struggle for Religious Freedom,” 27; McIlwaine, *Struggle of Protestant Dissenters*, 54. Foote, *Sketches of Virginia*, 211-14. “Address to Anabaptists Imprisoned in Caroline,” *Virginia Gazette* (Purdie & Dixon), February 20, 1772 (generally attributed to Virginia Attorney General John Randolph). Notably, royal governors never disputed the applicability of the Toleration Act, *see, e.g.*, *Virginia Gazette* (Rind) May 4, 1769 (Governor Botetourt assuring dissenters of benefit of Act of Toleration), and the House of Burgesses incorporated the Act by reference in an act of 1699. Hening, *Statutes*, III (1699):171.

all this, it was left uncertain and precarious, and depended on the will and temper of the clergy whether we should succeed or not.<sup>5</sup>

Moreover, some evangelical ministers, particularly “Separate” Baptists, opposed the swearing of the oath on principle or believed that seeking a license was to place civil authority over their ministry and, thus, refused to conform to the requirements of the Act of Toleration, subjecting themselves to “legal” exclusion from preaching. And even when a dissenting minister complied with it, still the Act did not eliminate the preferred legal role reserved for the established church and its members. Equally important to dissenters was the fact that the Act of Toleration did nothing to alleviate the political dominance of members of the established church or end establishment taxes or preferment.<sup>6</sup>

In spite of the favored position of the Anglican Church, as early as 1642, Puritans in Nansemond County invited ministers from Boston to come to Virginia and preach, which they did to substantial crowds. This brief flaring of dissent was probably the cause of the 1643 law requiring that all ministers conform to the Church of England and that nonconformists depart. Nonetheless, by the turn of the eighteenth century, there were a handful of Presbyterians and Baptists worshipping quietly in Virginia, and a growing number of Quakers, but the breadth of dissent was very limited. The few dissenters who

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5 Lutz, *Chesterfield*, 98. Fristoe, *Concise History*, 67-68, 69-70. See also Amelia County: Baptists, Petition, *Journal of the House of Burgesses* (Feb. 24, 1772), 185-86 (only one meeting house permitted per county); Thompson, *Presbyterians*, 54-55. Lancaster County, which had issued a license to a dissenting minister, withdrew it in 1758, concluding that the Act of Toleration did not apply and leaving the dissenters to remedies in Williamsburg. Isaac, *Transformation*, 199-200.

6 See generally Buckley, *Church and State*; Eckenrode, *Separation of Church and State*; James, *Documentary History*.

entered Virginia in the seventeenth or early eighteenth century, and were not quickly chased out, did little to upset the establishment.<sup>7</sup>

This began to change when, in 1738, Lieutenant Governor Gooch accepted a request forwarded by the Synod of Philadelphia to permit a Presbyterian population in the Shenandoah Valley – seen in Williamsburg as a buffer from hostile Indians. While no ministers were specifically licensed at the time, Presbyterian worship became fixed in the colony from that point on. This official breach in establishment policy was timely. Fed. by the First Great Awakening, dissent grew rapidly in the middle period of the eighteenth century.<sup>8</sup>

While all sources confirm that Virginia's dissenting population was growing rapidly in the several decades before the Revolution, precise figures are impossible to come by both because of a lack of a detailed census and because defining dissent is complicated by the practice of occasional conformity. Thus, many who regularly attended dissenting services also attended Anglican services for particular ceremonies; for example, a large majority of the white inhabitants were baptized in the Anglican Church and many

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7 Hall, ed., *Vestry Book of the Upper Parish Nansemond County*, xxiii. As late as 1736, one local author insisted that “we have among us no Conventicles, or Meetings [of dissenters].” George Webb quoted in Isaac, “Religion and Authority,” 3. A review of the growth of legal establishment and dissent in seventeenth and early eighteenth century Virginia can be found in Cobb, *Rise of Religious Liberty* and Gewehr, *Great Awakening*.

8 Gewehr, *Great Awakening*, 40-42. A number of Presbyterians had settled in the Valley before Governor Gooch formally accepted their presence. Johnson, *Virginia Presbyterianism*, 26 (Presbyterians followed Joist Hite's settling in the Valley in 1732). Yet, the dramatic increase in dissenter numbers was tied to Gooch's invitation.

would attend Anglican communion.<sup>9</sup> Moreover, regular attendees at dissenting meeting houses usually exceeded their official membership several times over.<sup>10</sup> The trend was undeniable, though; Jonathan Boucher, while an Anglican minister at St. Mary's parish in Caroline County in 1770, said of the dissenters' growing number, "I might almost as well pretend to count the gnats that buzz around us in a summer's evening."<sup>11</sup>

Estimates of dissenters' share of the populace vary dramatically, both among contemporaries and academics. For example, in 1781-82, when promoting adoption of his Bill for Establishing Religious Freedom, Jefferson famously claimed that two-thirds of Virginia's population was dissenter at the beginning of the Revolution. Yet, in 1776, when an end to establishment taxes was brought before the General Assembly, he had estimated 55,000 dissenters (20,000 of whom were west of the Blue Ridge); this would amount to 15-25% of the white population. Elsewhere, Jefferson said a "majority" were dissenters by the Revolution, but as an early biographer noted, "Mr. Madison thinks that

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9 Nelson, *Blessed Company*, 242-44, 415 n.71. See also Fulham Palace Papers, General Correspondence, Volume XIV, beginning with material received from 1765, 141-42, Letter from Watson to Lord Bishop of London (May 26, 1768) (dissenters numerous, but come mostly to Anglican church for lack of funds to pay a separate minister).

10 Bonomi, *Under the Cope of Heaven*, 89, estimates that one communicant member to three to four non-communicants is probably too low a ratio until the end of the eighteenth century. Benedict, writing in 1813, says "we may reckon seven adherents to one communicant." Benedict, *General History of the Baptist*, II:553. If seven adherents to one communicant, Baptists would have accounted for over 10% of the free population in 1774, but that might be too high. Thom, *Struggle for Religious Freedom in Virginia*, 30-39, 39-42 n. 68 (506-15, 515-18 n. 68). See also Lohrenz, "Virginia Clergy," 287-88 (seven to one likely too high, but if five or six Baptists 10% of the population in 1775). Selby, *Revolution in Virginia*, 33 (dissenters no more than one-fifth of whites, but concedes that Baptists often attracted thousands to their meetings).

11 Quoted in Campbell, *History of the Colony*, 562.

the proportion of Dissenters was considerably less.” A 1766 report to the Bishop of London entitled “A brief View of the State of the Church in the British Colonies” estimated that dissenters were 22% of the white population in Virginia, a robust estimate given the strong growth of dissent from 1766 to 1776. Based on contemporary sources, Jefferson’s earlier estimate (15-25%) and Madison’s observation (“considerably less” than 50%) were probably closer to correct in 1776 than the more famous “two-thirds” claim.<sup>12</sup>

While modern historians also differ substantially on estimates of Virginia’s dissenter population in the late eighteenth century, there is no doubt that by the time of the Revolution dissenters represented a significant share of the population and were growing rapidly. Based upon the data available, and accounting for attendees as well as formal members, dissenters were likely between one-fifth and one-third (if not a little bit more) of the white population, with a higher share in the Piedmont, and a substantial majority in the Valley and west, but a relatively low share in the Tidewater. While more precision

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12 Jefferson, *Notes on the State of Virginia*, Query XVII, 283. *Papers of Thomas Jefferson*, I:539. Virginia’s total population at the time is estimated at from 400,000 to 600,000, of which approximately 40-45% was slaves. Greene and Harrington, *American Population*, 141. Thus, Jefferson’s earlier estimate was a dissenting population of from 15-25% of the white population. (Using Jefferson’s 1782 estimate of 284,208 “free” inhabitants, the share would be 19.4%. See *Notes on the State of Virginia*, Query VIII, 213.) Tucker, *Life of Thomas Jefferson*, I:97n, 19n (Jefferson said “majority” were dissenters by Revolution; Madison disputes). “A brief View of the State of the Church in the British Colonies,” *American Ecclesiastic Affairs*, Lambeth Palace Library, 121. For analysis of contemporary and early estimates, see Rives, *History of the Life and Times of James Madison*, 1:55n.



may be impossible, given any reasonable estimate, certainly their share of the population was highly significant as Virginia sought to mobilize effectively against Britain.<sup>13</sup>

Of course, whatever the growth of dissent, the Church of England maintained dominance both in total numbers and, more to the point, in political power, with the Tidewater continuing to be a bastion of legislative power aided by the historic underrepresentation of new, western counties and the deference paid gentry throughout the colony. The difficulty of travel to Williamsburg (and later Richmond) for western members also contributed to Tidewater control of political power. Still, the dramatic growth in dissenters' numbers meant that there were few places wholly impervious to the interlopers; Anglicans maintained political hegemony, but not exclusivity.<sup>14</sup>

Presbyterians: Presbyterians made up the largest group of Virginia dissenters as the Revolution approached, particularly populous in the Valley and spreading down the Blue Ridge into the Piedmont (*see* Map 1). Generally willing to abide by the Act of To-

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13 *See, e.g.,* Irons, "Spiritual Fruits," 161; Buckley, *Church and State*, 8-9, citing Brown, "Role of Presbyterian Dissent," 332-33. Brown's careful analysis suggests that dissenters may have accounted for approximately one-third of the population. More conservative estimates are provided by Heyrman who argues that "by the most generous estimate, less than one-fifth of all southern whites over the age of sixteen and fewer than one-tenth of all African Americans had joined Baptist, Methodist, or Presbyterian churches by the 1810s," and that in 1776 "evangelicals had cause only for cautious optimism. At most their membership included just 10 percent of the adult white southern population in 1776, and only a negligible percentage of African Americans." Heyrman, *Southern Cross*, 5, 13. In the end, one can say with confidence only that dissenting sects were experiencing strong growth at the time and likely represented a very substantial (albeit minority) share of the white population.

14 *E.g.* McConville, *King's Three Faces*, 153-54 (western counties underrepresented throughout colonies). Prufer, "Franchise in Virginia," 260-65 ("east" had about one-half of the delegates with one-third of the population). Voting patterns also demonstrate the practical advantage held by Tidewater and Piedmont politicians in their ease of attendance in Williamsburg and later Richmond.

leration, Presbyterians initially caused relatively few problems for authorities. Presbyterian preachers were licensed in Virginia beginning in 1747 when Samuel Davies went to Williamsburg and met with Governor Gooch and received a license to preach at four Piedmont meeting houses. Royal governors were often solicitous of Presbyterians who, after all, were members of the established church in Scotland. Certainly through the French and Indian War, the relationship between Virginia Presbyterians and the colonial government was cordial, if not warm, with Davies playing a noted role in encouraging frontier enlistments during that war. In some areas of the Valley, Presbyterians occasionally served on vestries and, as long as the power structure was not threatened, Anglican authorities could ignore the transgression.<sup>15</sup>

Still, even Presbyterians were constantly reminded of the infirmities under which they operated, particularly in the areas of taxes, marriages and political privileges for Anglicans. Nor were Presbyterians immune from active persecution. When Davies first arrived in Hanover County, he was greeted by an order from the governor's Council:

This Board having under their Consideration the Number of Itinerant Preachers lately crept into this Colony and the mischievous Consequences of suffering those Corruptors of our Faith and true Religion to propagate their shocking Doctrines it is Ordered That a Proclamation forthwith issue requiring all Magistrates and Officers to discourage and prohibite [sic] as far as legally they can all Itinerant Preachers whether New Light men Moravians or Methodists from Teaching Preaching or holding any Meeting in this Colony and that all People be enjoined [sic] to be aiding and assisting to that Purpose.

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15 Leland, *Virginia Chronicle*, 13; McIlwaine, *Struggle of Protestant Dissenters*, 40 *et seq.*; Gewehr, *Great Awakening*, 97. Isaac notes that the cooperation between Presbyterians and Anglicans during the French and Indian War is often overstated. "Religion and Authority," 30.

The substance of the order was posted where the Presbyterians met. This followed on the prosecution for slander of John Roan, a Presbyterian preacher sent to the Piedmont in 1744-45 by the New York Synod, who could not resist openly criticizing the Anglican establishment.<sup>16</sup>

Nor did their willingness to conform to the Act of Toleration suffice to resolve the licensing difficulties of Presbyterians. Thus, the colonial government denied some Presbyterian preachers licenses for various reasons, for instance for beginning to preach before traveling to Williamsburg for a license or for maligning Anglican officials. Other ministers found their practice constrained by the limitation of their licenses to particular meeting houses and the unwillingness of authorities in Williamsburg to grant a license encompassing so many meeting houses that the authorities could characterize the minister's efforts as itinerancy. When licensed meeting houses were not available, lay members of the church risked prosecution for failure to attend Sunday services at the established church or for permitting unlicensed ministers to preach at their homes.<sup>17</sup>

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16 Hall, *Executive Journals* V (April 3, 1747):227-28. Leland, *Virginia Chronicle*, 13; Foote, *Sketches of Virginia*, 157; Gewehr, *Great Awakening*, 69. Roan was prosecuted in 1745 for slandering Anglican clergy, but left Virginia before he could be seized. Cobb, *Rise of Religious Liberty*, 103-05.

17 Another Presbyterian minister, John Rodgers, joined Davies in 1748 but was denied a license by the Council, at the urging of Anglican clergy, ostensibly because he preached before going to Williamsburg; reportedly a member of the Council declared: "we have Mr. Rodgers out, and we are determined to keep him out." In addition to Roan's prosecution for libel, Joshua Morris of James City was indicted for permitting Roan to preach at his house without a license. Davis, "Struggle for Religious Freedom," 23-24; McIlwaine, *Struggle of Protestant Dissenters*, 50; Gewehr, *Great Awakening*, 69-70; Foote, *Sketches of Virginia*, 135-38, 164-66 (quote); Howison, *History of Virginia*, II:181 (Governor Gooch supported license for Rodgers but could not convince Council).

(footnote continued)

Still, despite the difficulties, the Presbyterian Church grew, particularly in the Valley and middle Piedmont area. It is estimated that by the time of the Revolution, there were over 90 Presbyterian meeting houses in Virginia and approximately 70 Presbyterian ministers.<sup>18</sup>

Baptists: Baptists, the second largest group of dissenters in Virginia, were especially strong in the Piedmont and the most rapidly growing of the dissenting sects in the years immediately before the Revolution. The denomination was broken into “Regular” Baptists and more evangelical “Separate” Baptists. The latter, in particular, refused to abide by the licensing requirements of the Toleration Act, believing them to impair their obligation to God. As a result, Baptists were often the object of persecution.<sup>19</sup>

As early as 1714, a group of Baptists was meeting in southeast Virginia; significant growth of the Baptist denomination had to wait 40 years, however. The Separates, who seemed to thrive on persecution, became particularly strong “southside,” i.e. south of the James River, but their preaching and meeting houses were penetrating further north and east as the Revolution approached, contesting space in previously uniformly Anglican counties (*see* Map 2).<sup>20</sup>

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(footnote continued)

Nelson, *Blessed Company*, 246-48 (presentments for non-attendance higher in Tidewater where Anglicans dominant).

18 For a further discussion of the number of ministers and churches, *see* Chapter 3 and Appendix C: Calculating Denominational Support for Mobilization in Virginia during the Revolutionary War.

19 Cobb, *Rise of Religious Liberty*, 100.

20 Rhys Isaac estimates that Baptists accounted for 10% of the population in 1772, and notes that they were rapidly increasing. *Transformation*, 173. Isaac later estimated  
(footnote continued)

The lack of formal training for their ministers encouraged the view that eighteenth century Virginia Baptists were uneducated and of a “lesser sort;” one source noted that there was not a single “college-bred man” among the Baptist ministers in pre-revolutionary Virginia. Yet, while certainly the wealthy and powerful of Virginia’s gentry tended to be Anglican, as one Baptist noted, most churchgoers from every denomination were “as poor, and as unlearned as we.” The Baptists, like the Presbyterians, enticed a few gentry members into their fellowship and were not opposed to using the influence of those gentry members to increase their flock. Some of the contemporary poor perception of Baptists was also due to the fact that they were actively recruiting blacks to be converted – both slave and free. Inclusion of blacks not only proved to be an important factor in growth of the Baptists, but it tended to dictate the holding of irregular meetings, sometimes at night. Baptists’ appeal to blacks was another factor which caused conflict with establishment leaders.<sup>21</sup>

By the time of the Revolution, it is estimated that there were almost 90 Baptist meeting houses in Virginia and about 100 ministers.<sup>22</sup>

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Baptists to be from 15% to as much as 20% of the white population by 1775 from a base of almost nothing in 1765. Isaac, “Preachers and Patriots,” 128. On growth of Baptists in pre-war years generally, see Thom, *Struggle for Religious Freedom*, 29-30 (505-06), 40 (516).

21 Newman, *History of the Baptist Churches*, 303-04 (quote). Bonomi, *Under the Cope of Heaven*, 94 (quote). “The cant word was, they [Baptists] are an ignorant illiterate set – and of the poor and contemptible class of the people.” Fristoe, *Concise History*, 60.

22 For a further discussion of the number of ministers and churches, see Chapter 3 and Appendix C: Calculating Denominational Support.

Other Dissenting Denominations: There was also a small but growing group of German Reformed and Lutheran worshippers in Virginia as the Revolution approached, particularly among German immigrants moving south in the Shenandoah Valley. As a rule, these sects worked to avoid problems with the established church, sometimes sharing pulpits with Anglicans. General John Peter Muhlenberg, the famous “fighting parson” who led his Valley congregation to war, for example, is claimed by both Lutherans and Anglicans.<sup>23</sup>

John Wesley and his followers were actively growing Virginia Methodism in the mid-1770s, although before and during the Revolution the Methodists pointedly saw themselves as Anglican rather than as dissenters. (The Methodist Church did not formally separate from the Church of England until 1784.) Methodist preachers were also particularly successful “southside,” south of the James River, especially in the Tidewater area. Rhys Isaac suggests that as the Revolution approached Methodists became the leading evangelicals in Virginia and “were able in the early years of the war with Great Britain to attract a vast following,” but initially Methodist recruiting lagged behind that of the Baptists and Presbyterians. True, as Isaac notes, their numbers were growing rapidly before the Revolution but from a very small base in the early 1770s; the first great Methodist revival did not occur until 1776. More interestingly, Isaac’s observation concerning

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23 See Hall, “Southern Dissenting Clergy,” 78 n. 43 (Muhlenberg, a Lutheran, had gone to London for Anglican ordination and “preached at both Anglican and Lutheran churches”). Virginia contained nine Lutheran and six German Reformed churches in 1780. Lohrenz, “Virginia Clergy,” 16.

Methodist growth during the war raises the question of the extent to which Methodists' success was related to John Wesley's opposition to the American rebellion.<sup>24</sup>

Quakers and Mennonites comprised a very small share of the Virginia population at the time of the Revolution. Their ultimate exemption from military service on grounds of conscience created tension with other citizens who successfully sought compensating financial support for the government from those unwilling to fight and ultimately required Quakers and Mennonites, like other potential draftees, to provide a replacement if they wished not to serve.<sup>25</sup>

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In the years approaching the Revolution, in the wake of the Great Awakening, dissenters in Virginia, especially evangelicals, were rapidly increasing and by the time of the war probably constituted one-fifth to one-third or more of the population: a crucial constituency for mobilization against militarily dominant Britain. Several facts concerning the geography of dissent are worth remembering. First, disputes between the dissenters and the establishment tended to flair in those areas in which dissenters were making the most progress but which had previously been dominated by the established church — in the Piedmont and northern neck. Second, the greater concentration of dissenters in the frontier and other relatively less developed regions ensured that dissenters were often fa-

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24 Isaac, "Preachers and Patriots," 128. Gewehr, *Great Awakening*, 9, 137, 151, 155. Gewehr notes that the Methodists claimed less than 300 members in Virginia in 1774 but almost 2500 members by 1776. See also Leland, *Virginia Chronicle*, 15 (Methodists "never spread much in Virginia till about 1775"). Methodist pacifism and Wesley's opposition to the war are discussed further in Chapter 5.

25 See McIlwaine, *Struggle of Protestant Dissenters*, 33-34.

miliar with warfare and the use of firearms (from Indian skirmishes as well as hunting) and often owned the rifles which would prove to be a boon in some revolutionary battles.<sup>26</sup> As a result, their support for mobilization took on even greater importance. Third, despite dissenters' growth, the disproportionate representation of Tidewater Virginia in the House of Burgesses and later General Assembly, not to mention historic primacy of the establishment, ensured firm control of the assembly was maintained by Anglicans.

### **Persecution of Dissenters**

In spite of the growth of dissent, Virginia was among the strictest of the southern colonies in enforcing conformity to the established church, and as the 1770s began, the Anglican Church and its establishment gentry were seeking to tighten controls. Certainly by the time of the Revolution, dissenters had every reason to ignore the pleas of establishment leaders for cooperation.<sup>27</sup>

As noted above, a series of legal infirmities plagued Virginia dissenters. The dissenters viewed the church tax and marriage restrictions with particular bitterness; given the magnitude of the tax and the potential consequences of bastardy, these were far from unimportant. Flexible administration of various laws which were neutral on their face could also be used to discriminate against dissenters. For example, when Archibald Dick (Anglican rector of St. Margaret's parish), Samuel Hargrave (a Quaker), and Thomas

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26 The General Assembly was to make specific provision for the recruiting of riflemen from Piedmont and western counties. Hening, ed., *Statutes*, IX (1775):82. McDonnell notes, for example, that the western militia tended to be better prepared as the war approached. *Politics of War*, 38.

27 Hall, "Southern Dissenting Clergy," 34; Beeman and Isaac, "Cultural Conflict," 536.



Pittman (who let Baptist Lewis Craig preach at his house) all failed to list chaises for taxation in 1773 Caroline County, Dick was excused by the county magistrates but the others were each fined 500 lbs. tobacco. Presentments and fines for failure to attend Anglican worship also seemed to target dissenters.<sup>28</sup>

Perhaps even more disturbing to dissenter/establishment relations than legal disabilities, dissenters, particularly Baptists, faced very serious physical assault and legal prosecution from the latter part of the 1760s until the war. As this physical persecution gained strength and vehemence in the years preceding the Revolution, Presbyterians and other dissenters must have watched with increasing alarm. While one scholar calls these episodes “relatively brief and insignificant” and others have minimized the persecution or failed to appreciate its scope and impact, this is to ignore the eighteenth century perspective and, in particular, the perspective of the dissenters. To appreciate the decisions of the dissenters in the Revolution and their struggle for religious freedom, one must appreciate the gravity with which they saw this persecution over the course of many years. Thus, an extended – if far from exhaustive – review of the persecution is in order.<sup>29</sup>

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28 Campbell, *Colonial Caroline*, 226. As dissent grew, “[a]bsences from the parish church were more strictly observed.” Foote, *Sketches of Virginia*, 133. There were many other cases of discrimination in administration of the laws; for example, his family had Henry Goodloe declared insane apparently in part based on his having permitted the Baptist preacher John Waller to preach in his home. Campbell, *Colonial Caroline*, 226.

29 Tarter, “Reflections on the Church of England,” 354 (quote). Butler, “Coercion, Miracle, Reason,” 23 (Enlightenment writers exaggerated persecution). Meade, *Old Churches*, 1:426 (persecution exaggerated for 100 years). Nelson also minimizes persecution and questions the veracity of “contemporary dissenter” reports. Nelson, *Blessed Company*, 285. Yet, while Nelson is correct to urge caution when dealing with sectarian sources, much of the persecution is confirmed in court records and other contemporane-

(footnote continued)

As an initial matter, for at least ten years prior to the American Revolution, Baptist and, to a lesser extent, other dissenting preachers risked physical attack while preaching. John Waller, a Baptist preacher, wrote from the Middlesex jail in August of 1771:

whilst Brother William Webber was addressing the congregation, ... there came running towards him, in a most furious rage, Captain James Montague, a Magistrate of the county, followed by the Parson of the parish, and several others, who seemed greatly exasperated.... Brother Wafford was severely scourged, and Brother Henry Street received one lash from one of the persecutors, who was prevented from proceeding to further violence by his companions....

Morgan Edwards, an early Baptist historian who traveled in Virginia in 1772 to gather information for a history of the Baptists, reported the same incident, saying that the minister of the parish ran a whip through Waller's mouth as he attempted to preach, silencing him. "After that the clerk, Buckner, pulled him down and dragged him to the sheriff [sic] who stood at a distance; the sheriff immediately received him and whipped him in so violent manner (without the ceremony of a trial) that poor Waller was presently in a gore of blood, and will carry the scars to his grave." (Reportedly, after his beating, Waller remounted the stage to preach and in the process created additional interest in his story, continuing a pattern of dissenters using persecution as part of their "witness" and to evangelical purposes.) Others suffered similar fates. Samuel Harris was driven out of Culpeper County with clubs and whips and in Orange "was pulled down as he was preaching, and dragged about by the hair of his head, and sometimes by the leg.... On another time, he was knocked down by a rude fellow, while he was preaching." Stones

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ous accounts; moreover, the reports are so pervasive and consistent as to provide ample support for their general thrust.

and apples were thrown at preachers, and in several instances they faced men with fire-arms. Baptist preacher William Fristoe discussed the assaults at some length:

Another time, at the same place, a gun has been brought by a person, in a great rage, and presented within the meeting house doors, supposed to shoot the preacher, but was prevented by his own brother, who suddenly caught the gun from him and prevented the execution of the wretched design. At another time, ... while at devotion, a mob having collected, they immediately rushed upon them in the meeting house, and began to inflict blows on the worshippers, and produce bruises and bloodshed, so that the floor shone with the sprinkled blood the days following; upon which the few Baptists in the place concluded they would aim at a redress of their grievances, by bringing the lawless mob to justice, ... A warrant was applied for, and obtained, for the principal leaders of the mischief .... the result was, in [sic] was deemed a riot, and all were discharged.<sup>30</sup>

In other cases, Baptist preachers were dunked – almost drowned – in mockery of their belief in immersion baptism.

On the first preaching of the Baptists in these parts they met with violent opposition. A mob collected at one of their meetings and seized the preachers, Barrow and Mintz, and carried them to a water not far distant. There they dipped them several times, holding them under the water until they were nearly drowned, asking them *if they believed*. At length Mr. Barrow replied “*I believe you mean to drown me.*” After sporting with them thus, they let them go.

Nor was this an isolated incident. “At another time a lawless mob, headed by two magistrates, seized Mr. Moore and another preacher who was with him, and carried them off to duck them.” James Ireland, later to be jailed for preaching, reported that “sailors were brought on shore from their vessels, through the influence of the people, in order to take

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30 Semple, *History of the Baptists*, 481-82. Edwards, *Materials Towards a History*, III:75-76; Moore, ed., “John Williams’ Journal,” 798; Bailey, *Trials and Victories*, 40; Benedict, *Early History of the Baptist*, II:48 (stone thrown at Waller). Daniel Fristoe apparently faced armed assault, and his brother William was pursued by an armed sheriff. Fristoe, *Concise History*, 71-72. John Leland also faced an armed assailant. Little, *Imprisoned Preachers*, 227, 517-18.

me out into the stream, hoist me up to the yards arm and so to give me a ducking.” Modern readers might smile upon reading such reports, but they were certainly no laughing matter to eighteenth-century dissenters.<sup>31</sup>

Establishment supporters also disrupted dissenters’ meetings with obscene songs or men playing cards and drinking on the preacher’s stage. A hornets’ nest was thrown into one prayer meeting, a snake into another – incidents which could have caused serious injury and certainly would have caused significant chaos and fear. The Baptist preacher Dutton Lane’s “father was so violent an opposer of the Baptists that he beat his wife for going to hear them.” One Baptist minister was sued for baptizing a man’s son without his permission, and, while the case was ultimately dismissed, the minister had to pay costs. Meeting houses were directly attacked. Edwards reports that a mob broke into a Baptist meeting house in Fauquier “doing the most slovenly things, breaking their pulpit and communion table in pieces.” While many, probably a large majority, of dissenter prayer meetings were uninterrupted, the efforts to break up meetings and physically abuse preachers were far from rare, and diaries and other contemporaneous accounts make clear that such abuse was seen by dissenting preachers as an omnipresent risk. Edwards refers to “the *usual* opposition of mobs and the imprisonment of their preachers.” These assaults must have had a serious impact not only on those physically injured, but

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31 Semple, *History of the Baptists*, 460, 400. Ireland, *Life of the Reverend James Ireland*, 156.

also on those who witnessed, or heard of, the attacks – a group which must have included virtually all Virginia dissenters.<sup>32</sup>

What modern historians have treated as amusing anecdotes or minor incidents must have terrorized dissenters, for example, the throwing of a hornets nest and a (presumably poisonous) snake into dissenters' prayer meetings in an effort to break them up. Men on horseback would sometimes disrupt meetings by riding roughly through the crowds of congregants or through the attendees gathered in a river for a baptism, a practice which could seriously injure and certainly intimidated even the stoutest of dissenters. Threats of abuse also were not uncommon and, given the facts, could not have been lightly dismissed.<sup>33</sup>

Even greater physical abuse was targeted at the black members of evangelical congregations. James Ireland, a well-known Baptist preacher, recalled that at one meeting with a large number of slaves "the patrolers [sic] were let loose upon them.... I was equally struck with astonishment and surprise, to see the poor negroes flying in every direction, the patrolers [sic] seizing and whipping them, whilst others were carrying them

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32 Edwards, *Materials Toward a History*, III:29-30, 54, 70, 90, 82 (emphasis added). Greene, ed., *Writings of the late Elder John Leland*, 20. Gewehr, *Great Awakening*, 119-20. Semple, *History of the Baptists*, 20, 29. Little, *Imprisoned Preachers*, 96, 404, 143-45, 66. Benedict, *General History of the Baptist*, 2:21. Sprague, *Annals of the American Pulpit*, VI, *Baptists*, 81, 115. Fristoe, *Concise History*, 72. See also *Religious Herald*, April 6, 1871.

33 Edwards, *Materials Towards a History*, III:29. Gewehr, *Great Awakening*, 120. The presence of a non-poisonous snake would not likely have excited any mention from these eighteenth century farmers. Semple, *History of the Baptists*, 29: "They often insulted the preachers in time of service, and would ride into the water and make sport when they administered baptism; they frequently fabricated and spread the most groundless reports, which were injurious to the characters of the Baptists."

off prisoners, in order, perhaps, to subject them to a more severe punishment.” Ireland also reported that when crowds would gather outside his prison cell to hear his preaching, some members would be threatened “whilst the poor negroes have been stripped and subjected to stripes....” Evangelizing to the 40-45% of Virginia’s population that was enslaved was a central element of religion for Baptists (and some evangelical Presbyterians) and an important element in the rapid growth of dissent. At the same time, evangelicals’ appeal to blacks was another element in hardening the resolve of the gentry to oppose dissenters’ inroads, often violently. Animosity was fueled by the perception of the gentry that dissenters’ preaching to slaves without owners’ consent and at irregular hours challenged owners’ authority.<sup>34</sup>

Nor was the persecution limited to Separate Baptists, although they certainly received the brunt of the abuse. Both Regular Baptists and, to a lesser extent, Presbyterians faced discrimination and assault. As one historian noted, “In my view, the distinction between Regular and Separate Baptists in Virginia has been overemphasized.”<sup>35</sup>

While this “informal” chastisement of dissenters cannot always be laid at the feet of officials or Anglican ministers, it often appeared to have official sanction – providing sound basis for dissenter alienation from establishment leaders. When magistrates parti-

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34 Ireland, *Life of the Reverend James Ireland*, 114-15, 141. Little, *Imprisoned Preachers*, 163. Spangler, “Presbyterians, Baptists,” 162. An article in the *Virginia Gazette* defending the arrest of dissenting ministers, reportedly written by the Attorney General John Randolph, specifically referred to “Slaves [drawn] from Obedience to their Masters” by evangelicals. (Purdie & Dixon), February 20, 1772.

35 Semple, *History of the Baptists*, 382. Gewehr, *Great Awakening*, 115 n. 41. Spangler, “Becoming Baptists,” 248 n.10 (quote). Appendix A: Persons Persecuted. Isaac observes that disaffection toward Presbyterian ministers subsided when Baptists took their place as the focus of abuse. “Religion and Authority,” 32.

icipated in disrupting meetings, attendees who would not disperse upon official orders faced fines; others were fined for refusing to testify against dissenting ministers. In any case, the disruption and intimidation clearly originated with supporters of the established church, and dissenters could not help but conflate these problems with the legal infirmities imposed by the political establishment.<sup>36</sup>

Beyond the physical abuse and intimidation, starting in 1768 and continuing regularly through 1774, more than fifty dissenters were jailed for preaching without a license, for a more generic “disturbing the peace” or for related offenses – many on numerous occasions and for extended periods. In one case a preacher was jailed for having married a couple (in violation of the requirements that an Anglican minister preside). Others were jailed for permitting unlicensed preaching at their homes. Samuel Mackie and his son (of the same name) were jailed for allegedly hurting a drunk who sought to break up the Presbyterian worship service at their home. Some ministers were seized by officials but released with a warning to leave the county. Adding to the dissenters’ burdens, dissenting congregants were presented to courts for attending “illegal preaching.”<sup>37</sup> To put

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36 Little, *Imprisoned Preachers*, 391, 176-77, 465, 192, 520. Campbell, *Colonial Caroline*, 222. See also Appendix A: Persons Persecuted for Religion: 18th Century Virginia, post-1763.

37 Little, *Imprisoned Preachers*, 421, 516. Campbell, *Colonial Caroline*, 222, 225. Caroline County Order Book, May 1768, 142 (presentments against thirteen persons for attending “illegal preaching,” one for preaching and two for permitting preaching to occur at their homes; even when charges were dismissed (as they were in this instance against all but the preacher), the process must have angered and annoyed dissenters). For a list of persons persecuted, including those jailed, see Appendix A: Persons Persecuted (90 persons listed in addition to those fined for attendance). See also Rennie, “Virginia’s Baptist Persecution,” 48-61, and Rennie, “Crusaders for Virtue” (including a list of 78 men persecuted for religion).

these arrests in context, about half of the Baptist ministers in Virginia at the time of the Revolution had suffered a jail term for preaching – ensuring that all dissenters would be deeply conscious of the problem.

Incarcerations began in early June, 1768 in Spotsylvania, when four Baptist preachers were jailed, and continued regularly to 1774 (with one arrest as late as 1778 in Accomack). Fristoe concludes that “Times grew such there appeared no probability of escaping prison without a license could be obtained, and to obtain them was difficult – for by this time the members of the general court had taken prejudice, being all of the established church, they resolved to discountenance the Baptists, and decreed to license but one place in a county.” One Piedmont planter commenting on the arrests noted that “[a]t last they let them alone but not until the british war Commensed [sic].”<sup>38</sup>

Upon being brought before magistrates at a court session (which often only occurred after several weeks of incarceration), dissenting ministers were generally offered freedom for a commitment (with a sizeable bond) that they would not preach in the relevant county for a period of at least a year. Some took the oath – either abiding by it or ignoring it as an ill-gotten agreement. Samuel Harriss, a well-known Baptist preacher, having sworn an oath not to preach in Culpeper County for a year and a day, broke his bond within weeks; declaring that his agreement not to preach had been made with the “devil,” he assured his listeners that the devil was a “perfidious wretch” with whom bargains need not be kept. Others refused the offer of a bond on principle and remained

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38 Isaac, “Rage of Malice,” 141. Fristoe, *Concise History*, 67. Young, ed., *Westward into Kentucky*, 41 (footnotes omitted)



jailed for extended periods. Many of the preachers languished in jail for months and faced several jail terms (*see* Appendix A: Persons Persecuted).<sup>39</sup>

Nor has the severity of dissenters' jail terms been adequately appreciated by modern historians. Of course, eighteenth century penal conditions were never good, but the conditions faced by dissenters were often exacerbated. Magistrates on occasion would order jailers to limit the dissenters' food or deny them use of the jail yard. When Waller and several colleagues were jailed in Middlesex, he reported that the jailer was given "a charge not to allow us to walk in the air until Court day." The ministers reported that "[t]he prison swarmed with fleas," and they were fed on bread and water for several days until their friends found out of their need. Elijah Craig was held in an inner cell to prevent preaching through a window. James Ireland reported that his jailor would not admit visitors without the payment of a fee but did honor him with the presence of drunks from his (the jailor's) tavern. In other instances, jailed dissenters were plagued by the burning of pepper pods and brimstone outside of their jail cells, particularly when they would begin to preach from their cells. Ireland added that "[i]n addition to confinement, those of the vulgar sort took occasion to collect disagreeable and ill-favored trash, nauseous combustibles, and burn them in the prison window which filled the close dungeon with smoke that made it difficult for him to breathe or support life...." Ireland claimed that his jailor attempted poisoning; in another instance, explosives were detonated under his

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39 Sprague, *Annals of the American Pulpit*, vol. VI, *Baptists*, 81.

jail cell. Jeremiah Moore's incarceration in Alexandria was accompanied with a threat:

"You will lie in jail until you rot."<sup>40</sup>

When imprisoned preachers took the opportunity of their incarceration to preach from their jail cells – being deeply devoted and recognizing that their suffering could provide an important foil for preaching, as did establishment officials belatedly – these efforts often met additional persecution. In one case, men with knives waited outside the window of a jailed preacher and would cut his arms and hands when his enthusiasm for preaching caused him to extend them to his listeners in supplication through the window of his jail cell. Another minister found his face urinated upon when he approached his jail window to preach. Other efforts to interfere with jailhouse preaching included the singing of obscene songs, beating of drums or ringing of bells during a minister's efforts. In discussing his own time in the Culpeper jail, Ireland reported that men on horseback would ride through the crowds gathered outside of the prison to hear preaching and would threaten attendees; blacks would be whipped. Archibald Cary, a powerful burgess and Chesterfield County magistrate, had a wall erected around the county jail yard and broken glass placed atop the wall to impair ministers' preaching from jail. (This device was apparently defeated by the listeners fastening a cloth to a stick which they would

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40 Sprague, *Annals of the American Pulpit*, vol. VI, *Baptists*, 115. Semple, *History of the Baptists*, 34. Edwards, *Materials Toward a History*, III:82. Ireland, *Life of the Reverend James Ireland*, 140-42. Fristoe, *Concise History*, 77. Terman, "The American Revolution," 324, citing Garnett Ryland, "James Ireland," 12.

wave above the wall when a group had gathered to hear preaching.) Others were physically abused for preaching from jail, often violently.<sup>41</sup>

It was also evident that the persecution originated with local gentry, not royal officials (who had always been more solicitous of dissenters). The increased level of official persecution began when Lieutenant Governor Fauquier died in 1768 and a local member of the Anglican gentry, John Blair, became acting governor. Arrests again increased several years later upon the death of Baron Botetourt, Fauquier's successor, when another local member of the gentry was placed temporarily in the executive seat. The extent to which arrests had roots in tension with local gentry is clear when one considers the geographic distribution of arrests – occurring where dissenters, Baptists in particular, were penetrating areas previously dominated by Anglicans (*see* Maps 1 & 2).

It is to be observed, also, that these persecutions took place chiefly in the older counties, that is, in the counties lying along the great rivers of tide-water Virginia and in the northeastern part of the colony. This is just the country and the society that bred the men who led the Revolution, and we remember that among the staunchest patriots were some who at first were strong for the mother country and for the Mother Church.<sup>42</sup>

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41 Little, *Imprisoned Preachers*, 344, 275. Ireland, *Life of the Reverend James Ireland*, 141. Edwards, *Material Towards a History*, III:74-75. Buckley, *Church and State*, 14. Doares, "The Alternative of Williams-Burg," 21. Early sectarian histories describe the abuse of dissenting preachers and laymen in vivid terms which, perhaps, have had the opposite of the intended effect on modern secular historians. Yet, the incarcerations and much of the abuse is well-documented. In the one instance found where a specific claim of persecution was challenged, the challenge is very weak. *See* Campbell, *History of the Colony*, 225 (concluding based upon a supposed inconsistency in reports of which officials were involved that "chances are that while Waller [a Baptist preacher] was abused, the extent of his abuse has been grossly exaggerated by Baptist partisans").

42 Campbell, *Colonial Caroline*, 200, 211. Thom, *Struggle for Religious Freedom*, 27 (503) (quote). Separate Baptists "did not begin to provoke persecution or violence until the late 1760s, when Separates moved into the eastern Piedmont and the Tidewater from the western and southern regions of the state." O'Brion, "A Mighty Fortress is our  
(footnote continued)

While sectarian histories have tended to martyrology and to aggrandizing the role of their own denominations in both the military aspects of the Revolution and the fight for religious freedom, no one has questioned the specific facts of the imprisonments and physical abuse much less the general impression which they must have formed on dissenters. If even most of the reported abuse occurred – much less the likelihood of substantial maltreatment that was not reported, modern historians have failed to appreciate its significance. With half of the Baptist ministers in Virginia before the Revolutionary War facing some jail time, no dissenter in the colony could have been unaware of the extent and seriousness of the problem; not only was it widely reported in the press, but local networks of communication among dissenters must have spread the stories – probably enhancing them to some degree – quickly and broadly. Such exaggeration might, itself, tend to increase animosity between the establishment and dissenters and increase dissenters' fears. Any effort to minimize the persecution, implicitly or explicitly, fails to grasp the dissenters' perspective and the chilling effect of the restraints and, as a result, tends to miss or minimize the role that dissenters' legal liabilities and demand for religious freedom played in the Revolution and early republic.

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God,” 32. *See also* Isaac, *Transformation*, 193 (“Such forms of harassment began about 1765, when the Separate Baptists were called on to preach in the Piedmont. The incidents became more frequent as the movement reached into the Tidewater.”). Isaac notes that Davies’ earlier problems with licensing Presbyterian ministers also increased when Thomas Lee, a member of the local gentry and president of the council, was exercising authority in the absence of a British Governor. Isaac, *Transformation*, 151. *See also* Brown and Brown, *Virginia 1705-1786*, 251.

Nor was this persecution likely to abate on its own (absent the Revolution). Several points are telling in this regard. First, the established church was strong and growing and was extremely powerful politically. Critically, many of those most vehemently opposed to liberalizing dissenters' rights – some of whom were directly involved in the jailing of dissenters – held positions of power both in the colonial regime and in the early days of the state of Virginia. Second, efforts to liberalize Virginia's toleration had been made since at least 1769, shortly after the persecution of dissenters had increased to include incarceration, but these efforts consistently failed as Anglican leaders blocked reforms in the legislature. James Madison, for example, was very pessimistic that any reforms would be adopted given the strength of the Anglican establishment in the House of Burgesses and the fact that some establishment leaders were seeking greater restrictions on dissent. Third, the failure to disestablish churches in other states during the Revolution also suggests that a very different result could easily have occurred in Virginia. Adequate pressure to change the political and religious dominance of Anglicans in Virginia did not arise until the Revolution.<sup>43</sup>

The growth of serious persecution in the years of colonial crisis is critical in understanding the relationship of the establishment and dissenters during the Revolution. It is no surprise then that, as the earliest historian of the Anglican Church in Virginia reported, “[t]here was a bitterness in the hatred of this denomination [the Baptists] towards

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43 See, e.g. James Madison to William Bradford, April 1, 1774, Hutchinson and Rachal, eds., *Papers of James Madison*, 1:112. See also Isaac, *Transformation*, 218-22.

the establishment.”<sup>44</sup> What was remarkable was the extent to which these dissenters, having faced serious legal discrimination, physical abuse and incarceration, were later willing to mobilize to support the war led by the same persons who had visited persecution upon them.

### Strength of the Anglican Establishment

To appreciate the problem faced by dissenters as the Revolutionary War began, one must also appreciate the continued strength of the Anglican establishment. Anglicans were the largest religious denomination in Virginia at the time of the Revolution, and it is a serious mistake to see the Anglican Church as broken and subject to an easy evangelical revolt at the time. Anglicanism remained vibrant throughout the period, and many of the problems that did plague that Church during the Revolution were also experienced by other denominations. John Nelson provides an excellent antidote to prior suggestions of a deep malaise in the pre-revolutionary Anglican Church. Nelson notes, for example, that in the years preceding the Revolution, Anglicanism was growing and nearly all of Virginia parishes had a rector. At least two-thirds of those ministers were Virginia born, born in other American colonies or had lived in Virginia for a period of time prior to receiving ordination. Joan Gundersen also recognizes the strength of the Anglican Church at the time, explaining that “Virginia began the eighteenth century with 50

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44 Hawks, *Contributions to the Ecclesiastical History*, 121. See also Thom, *Struggle for Religious Freedom*, 42, 44 (518, 520): “the Baptists pursued the Church Establishment with a vindictive hatred that is repellent, ... They saw their fellows and neighbors arrested and thrust like common malefactors into the county jails for the alleged crime of preaching the Gospel of peace....”

parishes and 40 ministers. When the colonial period ended in 1776 with independence, there were 100 parishes with 109 ordained ministers.”<sup>45</sup>

Local Anglican rectors retained significant prestige throughout the period, whatever damage had been done by the Two Penny Case. Ministers inter-married with many of the “best” Virginia families, and a number of Anglican parsons held positions on county benches. The powerful William Byrd told a correspondent that “clergymen of good character are no where better respected.” The necessity of a costly education and the willingness of candidates for Anglican ministry to make the voyage to England for ordination – an expensive and time-consuming trip which still threatened a 20% likelihood of death – demonstrate the continued appeal of the position among the “better sort.” Both Gunderson and Nelson also dispel the myth that a substantial share of Virginia’s Anglican clergy were miscreants, thereby explaining a fall from power. As Gunderson notes, not only were claims of poor behavior grossly exaggerated by some latter-day historians, but while, by her count, three-quarters of Virginia’s clergy in 1776 were recruited in Virginia, three-quarters of those charged with misbehavior had been recruited abroad. Moreover, in Virginia men continued to dominate church membership, unlike the growing dominance of women – who lacked political influence – in New England.<sup>46</sup>

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45 See Nelson, *Blessed Company*, 126-27, 4-5, 7, 35, 407 n. 53. Holmes, “Episcopal Church and the American Revolution,” 264. Gunderson, “Search for Good Men,” 453.

46 Gunderson, “Search for Good Men,” 459 (by 1775, 11% of clergy came from families with “claims to colonial leadership”). E.g., Boyle, *Church in the Fork*, 5-7 (discussing the courtship of Governor Spotswood’s widow by the Reverend John Thompson). William Byrd, III, to Reverend Richard Peters, January 6, 1772, Tinling, ed., *Correspondence of the Three William Byrds*, 2:783. See also Bonomi, *Under the Cope of Heaven*, 61 (Anglican parishes strengthening right up to the Revolution). Clergy of New  
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Equally important, Anglicans dominated the mechanisms of government at all levels. For example, Bishop Meade found that no more than three members of Virginia's 1776 Convention which agreed to independence and framed Virginia's first constitution were not vestrymen. Nor should the control that these church leaders exercised over government be underestimated. Before the Revolution a small number of leading burghesses exercised very broad power over the mechanisms of government, particularly through control of the speaker's office, key committees and the governor's council.

Charles Sydnor suggests that seven men constituted a power elite from 1761-1774: Peyton Randolph, Robert Carter Nicholas, Richard Bland, Benjamin Harrison, Edmund Pendleton, Richard Henry Lee and Archibald Cary. The majority of these men were arch-Anglicans. In fact, key Virginia political leaders during this period were among those most dedicated to Anglican hegemony and most adamantly opposed to liberalization of toleration for dissenters. Pendleton and Cary, both of whom had sat on benches that incarcerated dissenting preachers, became the first speakers of the Virginia House of Delegates and the Virginia Senate respectively. In speaking of efforts to end the religious es-

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York and New Jersey to Earl of Hillsborough, October 12, 1771, Davies, ed., *Documents of the American Revolution*, Volume III, Transcripts, 1771, 209 (20% mortality rate on going to/from England for ordination; £100 sterling expense). Isaac questions the social ranking of the clergy but does so based largely upon information from the 1750s when a much higher percentage of the Anglican clergy were immigrants. Isaac, "Religion and Authority," 21. Dresbeck, "Episcopalian Clergy in Maryland and Virginia," concludes that the Anglican Church declined in the 1790s, while the Revolution itself provided only a hiatus in ordinations. Semple, *History of the Baptists*, 58 (Episcopalians had respectable attendance until revival of 1791-92). Gunderson, "Search for Good Men," 460 n. 36, 463. Compare Butler, *Awash in a Sea of Faith*, 170 (growing role of women in New England churches).



tablishment, Jefferson states that “[o]ur greatest opponents were Mr. Pendleton and Robert Carter Nicholas; honest men, but zealous churchmen.” Archibald Cary ordered not only the jailing of several Baptist preachers but the construction of a twelve foot high wall topped with broken glass around the jail to impair preaching from their cells. Richard Henry Lee and Benjamin Harrison were also strong defenders of the established church.<sup>47</sup>

Nor were political leaders isolated from the Anglican laity in supporting the established church at the expense of dissenters. In 1762, for example, Devereux Jarratt, soon to be a famous evangelical preacher, decided to seek ordination in the established church rather than the Presbyterian noting that “[t]he general prejudice of the people at the time against dissenters and in favor of the church, gave me a full persuasion that I could do

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47 Meade, *Old Churches*, I:151-53. Sydnor, *American Revolutionaries*, 89-90. Jefferson, *Autobiography*, 34. Cobb, *Rise of Religious Liberty*, 493. “Archibald Cary, a leading vestryman, seems to have been particularly active in his opposition to the unlicensed preachers and his name is found on most of the warrants issued against them.” Cary’s attachment to the Anglican Church did not wane; after the war, he was active in the 1784 convention that created the Protestant Episcopal Church of America. Lutz, *Chesterfield*, 98, 133. See also Henry, *Patrick Henry*, I:117-19 (Pendleton and Cary). Pendleton also protested when Thomas Morris successfully petitioned Governor Gooch to start a Presbyterian congregation in Caroline. Campbell, *Colonial Caroline*, 95. As noted above, Peyton Randolph disputed the applicability of the Act of Toleration to Virginia. Robert Carter Nicholas played a key role in ensuring that proposals for increased “toleration” in 1772 would actually curtail efforts by dissenting ministers, particularly as they related to preaching to blacks. Isaac, *Transformation*, 218-222. Richard Henry Lee to James Madison, November 26, 1784, Rutland, Rachal, Ripel, and Teute, eds., *Papers of James Madison*, 8:149 (supporting an assessment). Harrison, while supporting the proposed general assessment in 1785, played a critical role in ensuring that it not be extended beyond “Christian” ministers and teachers. James Madison to Thomas Jefferson, January 9, 1785, Boyd, Bryan, and Hutter, eds., *Papers of Thomas Jefferson*, 7:595. Harrison was also elected to the convention of clergy and laity of Protestant Episcopal Church in October 1785. *Journal of the House of Delegates*, November 3, 1785, 18.

more good in the church than anywhere else.” One piedmont planter noted that Separate Baptists “weare [sic] held in contempt by most of the people.” Ireland, upon being incarcerated for preaching, recognized that persecution instigated by Anglican ministers “received the hearty concurrence of their parishioners.”<sup>48</sup>

Some scholars have attempted to dismiss the influence of the Anglican clergy with the populace by pointing to the clergy’s supposed shortcomings. Yet, as Patricia Bonomi observes, the often lurid criticism of late eighteenth century Anglican ministers cannot be taken at face value. Much of the criticism was sectarian. Even Bishop Meade’s oft repeated criticisms of the Anglican clergy which have formed the foundation of much of the history of Anglican declension might be put down to tension among the evangelical and traditional wings of the Episcopal Church. A large share of the Anglican clergy served without undue problems and maintained the prestige of their position. Nor can the established church be dismissed as rapidly losing influence to the Toryism of its members in the early days of the Revolution. Toryism among the Anglican ministry in Virginia was less than has often been reported and was very limited among the two-thirds of the parsons who had been born in the colonies or lived there before ordination.<sup>49</sup>

The continued strength of the Anglican establishment can also be seen, for example, in its effective opposition to efforts to improve toleration before the War. As the persecution of the dissenters increased, particularly after 1768, there were more vocal calls

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48 Campbell, *History of the Colony*, 566. Young, *Narrative of Daniel Trabue*, 128. Ireland, *Life of the Reverend James Ireland*, 136, 155.

49 See Bonomi, *Under the Cope of Heaven*, 39-45, 88-90. Nelson, *Blessed Company*, 150-55.

for greater toleration, particularly a growing petitioning campaign by the dissenters against their legal infirmities. Yet, while the House of Burgesses endorsed generally the notion of “improved” toleration, several facts became clear. First, no one at the time was seriously anticipating an end to legal discrimination or establishment; improved “toleration” was all that was being discussed. Second, and more importantly, the Anglican political establishment made it clear that no reforms would pass unless consistent with its wishes. Thus, draft legislation in 1772 included restrictions on night meetings and itinerancy, and the necessity of dissenters preaching in meeting houses with the door open. Yet even this limited legislation could not pass out of the House of Burgesses. Out of concern that the outspoken dissenters would pass some of their insubordinate spirit on to the slaves, burgesses debated legislation in 1772 to “guard against the Corruption of our Slaves” by carefully regulating dissenting preachers. Robert Carter Nicholas, Treasurer of the Commonwealth, intended by this legislation to prescribe the activities of the dissenters within safe spheres of activity. In fact, with an increase in Baptist revivals, and increased criticisms of the established church in 1772, relationships between dissenters and political leaders from the established church deteriorated in key respects. In early 1774, James Madison was “very doubtful” of the success of Baptist and Presbyterian petitions for additional religious toleration because of the strength of the Church of England in the legislature and because Anglicans were seeking even greater restrictions.<sup>50</sup>

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50 *Virginia Gazette* (Rind), March 26, 1772. Isaac, *Transformation*, 218-22. James Madison to William Bradford, April 1, 1774, Hutchinson and Rachal, eds., *Papers of James Madison*, 1:170, 112.

While some historians have suggested that the Great Awakening had democratized political institutions and weakened the established church, this was not the case in Virginia as the Revolutionary War began. Religious affiliation was still a defining characteristic, legally and socially, and Anglicans maintained a firm control on positions of power. Dissenter political influence might have been growing, but continued to be seriously restrained. As Nelson concludes: "The evangelical presence in 1776 did not as yet signify an unraveling of Virginia's institutional fabric."<sup>51</sup>

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As the Revolution approached, the number of dissenters in Virginia grew to a very substantial share of the population. Yet, these dissenters still faced critical legal discrimination and increasingly serious, sometimes vicious, persecution. Incarceration for preaching was rampant from 1768 through 1774. At the time, with the Anglican establishment healthy and in firm control of the mechanisms of government, this seemed unlikely to change. Yet, while establishment leaders continued to control the polity, they were not in a position simply to force dissenters into mobilization once hostilities with Britain began, nor was there an effective opportunity for dissenters to force the establishment to recognize religious liberty prior to the war. The negotiations between dissenters and establishment leaders which followed open hostilities with Britain were, then, to prove the essential element both in the development of religious freedom in Virginia and in the republicanization of the Virginia polity. Without wartime necessity, there is little

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51 Compare Heimert, *Religion in the American Mind*; Isaac, *Transformation*; Isaac, "Religion and Authority," 4 n.5; Gewehr, *Great Awakening*. Nelson, *Blessed Company*, 285 (quote).

reason to believe that religious liberalization would have occurred at the time; indeed, the experience of the other colonies suggests otherwise.

## CHAPTER 2: NEGOTIATING SUPPORT FOR THE WAR AND RELIGIOUS FREEDOM

*These things granted, we will gladly unite with our Brethren of other denominations, and to the utmost of our ability, promote the common cause of Freedom.*

Prince William County Baptists (June 20, 1776).

As Virginia's colonial leaders contemplated armed opposition to British rule, they were well aware of the difficulties they faced in launching a military challenge to the eighteenth century's superpower. They understood that they would need the broadest possible support if they were to mobilize successfully, including support from Virginia's rapidly growing population of dissenters – accounting for as much as one-third or more of the population by 1775. In fact, as military necessity increased, Virginia's political leaders were particularly interested in gaining the service of the riflemen from the frontier regions which were dominated by dissenters. Given the gentry's continuing effort to minimize and control dissent, and pre-war persecution of dissenters, this posed a vexing problem.

At the same time, given their peculiar position outside of establishment society, Virginia dissenters had to choose whether to support the war effort at all. Certainly they shared other colonists' concerns with British corruption, arbitrary government, taxation and lack of representation. (Indeed, as was the case throughout the colonies, western counties – in which the Virginia dissenters were concentrated – were seriously underrepresented in the colonial assembly and particularly sensitive to questions of representation.) Still, to the extent that their establishment compatriots were fighting for civil liber-

ties, Virginia's dissenters were painfully aware of their civil disabilities and the serious persecution which had marked the previous decade. In other southern colonies, even where they had far less cause to distrust their local leaders, dissenters sometimes proved reluctant to join the patriot movement.

As the war approached, Virginia was hardly a united, homogenous polity prepared to follow its Anglican leadership into a bloody dispute with uncertain results. While the gentry maintained a very broad and effective control of the political establishment, the efficacy of that control in mobilizing men and materiel for the war was far more subject to challenge than it might at first appear. The gentry's power was still concentrated in the Tidewater and a growing western population was eager to gain a larger role in the polity or to gain greater independence. Moreover, small landowners and tradesmen were generally less dependent upon the gentry than had been the case at mid-century. Given these realities, the ambiguous position of Virginia's dissenters led to a complex and extended negotiation in which establishment leaders sought dissenter support for mobilization while the dissenters insisted that the problem of religious freedom be addressed by the gentry leadership as dissenters' support for the war was sought, not later – after the crisis – as members of the establishment urged.<sup>1</sup> The religious petitions

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1 Historians have too often characterized the exchange between dissenters and the establishment without conflict or contingency. For example, William McLoughlin, in "Role of Religion," 205, simply concludes that

as the rebellion pushed toward open warfare, it became evident that the colonists must hang together or they would all hang separately. Dissenters restrained their actions against rebel legislatures, and the legislatures in turn offered more leniency toward them.... Virginia ceased to imprison

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and other literature suggest that the dissenters made clear that their mobilization for the war effort was contingent upon the granting of religious liberty. This is not to say that key political leaders – certainly James Madison and Thomas Jefferson – did not welcome the opportunity to establish liberty of conscience. Yet, even these remarkable leaders would not have been successful on the basis of erudite arguments alone. Madison seemed to recognize this point at the time, writing a friend on January 24, 1774 that “Political Contests are necessary sometimes as well as military ... to instruct in the Art of defending Liberty and property.”<sup>2</sup>

Strong evidence of the gentry’s continued control of the polity and the lack of consensus among the Virginia populace as the war began is found in the fact that prior to the outbreak of hostilities, prospects for religious peace in Virginia were dim. The estab-

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itinerant dissenting preachers and from the outset of the war forbade parishes to collect money to pay parish ministers.

In fact, the Virginia polity was less unified and the dialogue between dissenters and establishment leaders was more pointed than McLoughlin portrays them. Michael McDonnell addresses fissures in Virginia unity generally during the war, but may overstate some of the discord among various classes while mentioning, without addressing in detail, the far more dynamic relationship between the establishment and dissenters. *Politics of War*.

2 Madison made this observation in the context of religious liberty, bemoaning the “diabolical Hell conceived principle of persecution . . . to their eternal Infamy the Clergy can furnish their Quota of Imps for such business. This vexes me the most of any thing whatever. There are at this [time] in the adjacent County not less than 5 or 6 well meaning men in close Goal for publishing their religious Sentiments which in the main are very orthodox.” Madison to William Bradford, January 24, 1774, Hutchinson and Rachal, eds., *Papers of James Madison*, 1:105, 106 (footnote omitted). See also Jefferson, *Notes on the State of Virginia*, Query XVII, 287. *Contra* Bailey, *Popular Influence*, 153 (Jefferson and others would have acted in any case, minimizing opposition to liberalization from Anglican establishment).



lished church was strong, and legislative efforts to expand toleration from 1772 to 1774 had failed in the face of opposition from Anglican leaders, such as Robert Carter Nicholas, the chairman of the House of Burgesses Committee for Religion and treasurer of the colony. Through the end of 1774, and the calling of the second Continental Congress, dissenting ministers were still facing incarceration for preaching (with one arrest as late as 1778). Even as Virginia declared its independence, the key colonial leaders who were active in persecution of dissenters and in opposing any increase in toleration or restriction on Anglican privileges maintained positions of leadership in the new state, including the speaker of the new House of Delegates – Edmund Pendleton – and speaker of the Senate – Archibald Cary. More generally, Virginia’s political leadership did not change significantly with the war. As Richard Beeman has noted,

in the Virginia backcountry ... the same, moderately wealthy, principally Anglican planters who controlled institutions of local government before the Revolution also controlled them during that struggle.... [P]erhaps most remarkably, the Episcopalian-dominated assemblies responsible for passing the religious reforms of 1776-85 differed little in composition from those assemblies that had moved to restrict the rights of dissenters just a few years before the Revolution.<sup>3</sup>

To appreciate fully the changes wrought in Virginia by the negotiations between the establishment and the dissenters, one must dispel two notions which have permeated

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3 *Virginia Gazette* (Rind), June 10, 1773; Isaac, *Transformation*, 218-22. Doares, “Alternative of Williams-Burg,” 21 (Cary’s role). Beeman, “Political Response,” 235, 238-39. See also Berwick, “Moderates in Crisis,” 150-63 (pre-war politicians’ control). McDonnell argues that there was unusually high turnover in the legislature after the war began, *Politics of War*, 203, 321, but he does not directly question that pre-war leaders maintained their dominance, nor does he fully account for the extent to which “new” members were returning members of the gentry.

the recent literature. First, the Great Awakening (1730s to 1750s) had not democratized political institutions in Virginia prior to the Revolution. Certainly the Awakening was a powerful force for growth in evangelical religion; the tenets and structure of the evangelical denominations certainly emphasized the claims of individual conscience and helped to plant notions of democratic institutions. Still, the idea that fundamental changes in the political structure before the war presaged relatively easy adoption of religious liberty is inconsistent with the persecution of dissenters and their inability to have even moderate reforms adopted prior to the war. Second, the established church was not in a deeply weakened condition nor prone to collapse as the war began. In fact, in many respects, the Church of England in Virginia was stronger than it had ever been. Beyond the political leadership, which was dominated by Anglicans, "[p]ublic opinion was divided, but probably a majority of the people opposed the overthrow of the church they had been raised in and undoubtedly a majority of the assembly did." Thus, while this chapter and chapter 4 document negotiations between the establishment and dissenters and the change in religious rights during the American Revolution, they at the same time document a more fundamental social and political redefinition of Virginia: by 1786, the process of establishment leaders engaging dissenters in some of the most important political debates of the era had politicized the dissenters and, in the process, democratized Virginia. As a result, the Tidewater gentry was forced to share power with westerners and dissenters.<sup>4</sup>

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4 Heimert, *Religion in the American Mind*; Bonomi, *Under the Cope of Heaven*; Lambert, *Inventing the "Great Awakening"*; Gewehr, *Great Awakening*; Isaac, *Transformation*; Isaac, "Evangelical Revolt," 350, 362-65. Compare Nelson, *Blessed Compa-*  
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Others have noted the problems posed for the revolutionaries by the broad disenfranchisement of a large share of ordinary citizens in Virginia. “[W]ithout ties of loyalty or interest [of the average citizen] to the politically dominant stratum, ... [c]reating a Virginia that could offer effective resistance outside the traditional forum of the legislature” would be extremely difficult. The necessity of the political establishment’s negotiation with dissenters for religious liberty helps to explain how this conundrum was resolved. Thus, when Rhys Isaac asks “whether the patriot movement in Virginia may be understood as in part a defensive response from the traditional order to the transformations in popular orientation toward authority manifested in the spread of evangelism,” he may have it exactly backwards. As those in authority moved decisively toward challenging British control and forming new governmental institutions, the necessity of gaining the support and cooperation of the evangelical masses required patriot leaders to include liberal personal freedoms within the definition of what it was they were fighting for. Rather than republicanization inevitably leading to disestablishment, the process of negotiating disestablishment politicized the dissenters which was to prove a key element in the republicanization of Virginia. The necessity of gaining support and cooperation from the evangelical masses required patriot leaders to include freedom of religion within the defi-

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ny; Rhoden, *Revolutionary Anglicanism* (strength of Anglican Church). Eckenrode, *Revolution in Virginia*, 171 (quote).

inition of what it was they were fighting for and, as a consequence of the negotiations, the Virginia polity was reshaped to include the dissenters.<sup>5</sup>

The negotiation between dissenters and the political establishment is most evident in the several hundred petitions dissenters filed with the Virginia legislature and the response from Anglican ministers and congregations from 1766 to 1786.<sup>6</sup> While petitioning was a common means of communication with government in the eighteenth century, prior to these negotiations for religious freedom in Virginia, petitions generally tended to address local or personal problems; for example, earlier religious petitions might request changes in individual parish boundaries or related to the composition of vestries or a minister's standing.<sup>7</sup> But during the war, petitioning occurred on a previously unheard of

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5 Sloan and Onuf, "Politics, Culture, and the Revolution," 271-72; Isaac, "Preachers and Patriots," 151; Isaac, *Transformation*, 280.

6 Most of the petitions are available in a Virginia State Library and Library of Congress database: Early Virginia Religious Petitions, [www.memory.loc.gov/ammem/collections/petitions/](http://www.memory.loc.gov/ammem/collections/petitions/). These are identified by county and date of receipt in this work (or listed as "Miscellaneous" by the Library of Congress when not from an identifiable county). Petitions not in that database are fully cited.

7 On the importance of petitioning in the eighteenth century generally, and these petitions in particular, see Bailey, *Popular Influence*. For examples of earlier, local petitions, see, e.g., Culpeper County (November 18, 1766) (sale of glebe land); Loudon County (November 22, 1766) (division of plate among newly-divided parishes); Stafford County (March 23, 1767) (seeking dissolution of vestry); Brunswick County (April 6, 1768) (sale of glebe land), *Journal of the House of Burgesses* (1766-1768).

Discussion of the negotiations in correspondence, by comparison, appears to be limited, in part, by concern not to offend anyone's "honor" by suggesting ulterior motives for supporting the Revolution. Anglican petitions often (correctly) accused the dissenters of seeking such a *quid pro quo*, but those same petitions make it clear why the matter had to be handled delicately by the dissenters. The Hanover Presbytery, for example, insisted after the war was over that "[w]e have hitherto restrained our complaints ... that we

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scale, involving extraordinary numbers of participants and relating religious issues to the grand struggle that consumed the Commonwealth's attention. These petitions both offered support to the fledgling state while at the same time threatening to withhold it, with all of the obvious consequences which that would have entailed. Petitioning was no longer only a matter of seeking a redress of a specific grievance, but, by integrating a far broader spectrum of people into the political dialogue on a far broader range of issues, it was an exercise in forming a new commonwealth.

These negotiations can be best understood by considering successive periods. From 1768 to 1775, dissenter concerns over arrests and persecution led to pleas for improved toleration, pleas which rose considerably in volume and tone as the war broke upon the Old Dominion. In 1776, with the necessity of a difficult mobilization foremost in the minds of the new government, dissenters changed the substance of their requests, now insisting upon religious freedom in return for their support, and the establishment had to make major concessions. Then, with the issue unresolved by the 1776 reforms,

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might not be thought to take any advantage from times of confusion, or critical situations of Government in an unsettled state of Convulsion and ward, to obtain what is our clear and uncontestable right." Miscellaneous Petition (May 26, 1784). *See also* Johnson, *Virginia Presbyterianism*, 92 (Presbyterian church restrained demands based upon "zeal to see the war with Britain safely ended, before pressing its desires with reference to religion on the attention of the legislature,..."). This may sound eminently reasonable, but it was blatantly false. The Presbytery's perceived need to renounce any use of negotiating leverage during the war crisis does speak to the difficulty of identifying clearly from the written record the negotiations which did occur. Further, records of many of the dissenting churches have been destroyed or are missing. For those that remain, meeting books generally concentrate on issues of church governance – e.g. enforcing morality against church members – more than the ongoing Revolution; this was true even when congregations were sending an important petition to the government.

negotiations continued on various aspects of religious freedom from 1777 through 1780. Finally, in the period 1781 to 1786, as the Chapter 4 will show, the nature and content of the negotiations changed again when the end of the serious fighting eliminated the driving need for dissenter cooperation in mobilization. In evaluating these different periods, and the dialogue between dissenters and the establishment, it is important to keep in mind the corresponding progress of the war and various crises of recruiting and mobilization, including some instances of active resistance by the citizenry to recruiting. Virginia's political leaders' actions, and the implicit threats from dissenters, were clearly seen at the time in the context of this struggle for mobilization.<sup>8</sup>

#### **1768-1775: Unsuccessful Pleas for Greater Tolerance**

As persecution of dissenters flared in 1768 and subsequent years, the legislature was slow to respond. Nor were dissenters able to force an effective response at the time; their lack of status in the Virginia polity did not lend itself to a political resolution. In 1770, groups of Baptists began to file petitions seeking moderate reform. Initially, they asked only that they be allowed to preach outside of meeting houses designated in licenses and that their ministers receive the same exemption from mustering for militia duty as ministers of the Church of England (the latter request was summarily rejected before

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<sup>8</sup> A good chronology of the war in Virginia and difficulties of mobilization in various periods is found in McBride, "Virginia War Effort." See also McDonnell, *Politics of War* and McDonnell, "Popular Mobilization," 946-81, on the difficulty of recruiting early in the war.

the war). As incarcerations continued and increased, Baptists filed a series of similar petitions seeking improved treatment under the “spirit” of the Toleration Act.<sup>9</sup>

It appeared that progress was being made when a committee of the House of Burgesses was asked to propose a law to extend toleration in 1772 (without impairing the legal privileges enjoyed by Anglicans), but when drafts were circulated, the law did not go far enough in accommodating dissenters’ interests. The proposal continued to require licensing of dissenting ministers (for a fee) and would have limited preaching to slaves or to outdoor assemblies – a hallmark of dissenting evangelicals. While dissenters – especially Baptists – objected to the narrowness of the proposed reforms, they denied pointedly any interest in complete religious freedom, seeking only the “same kind Indulgence, in religious Matters, as Quakers, Presbyterians, and other Protestant Dissenters, enjoy.” Baptists and other dissenters focused on licensing and specifically objected that the proposed bill did not permit preaching in all places and at all times. In 1774, David Thomas, a leading Baptist preacher who himself had been brutally attacked on several occasions,

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9 Baptist Petition (May 26, 1770), Lunenburg Baptists (February 12, 1772), Mecklenburg Baptists (February 22, 1772), Amelia Baptists (February 24, 1772), Sussex Baptists (February 24, 1772), Caroline Baptists (March 14, 1772), *Journal of the House of Burgesses, 1770-1772*, 30, 160-61, 182-83, 185-86, 245. See also Loudon County (May 1774), *Journal of the House of Burgesses, 1773-76* (May 1774), 92.

Under Samuel Davies’ influence, Presbyterians petitioned for improved toleration as early as 1751, but that request was violently opposed in a remonstrance to the Bishop of London from Anglican clergy and nothing came of it. Compare McIlwaine, *Struggle of Protestant Dissenters*, 60 and Perry, ed., *Historical Collections*, Vol. 1: Virginia, 380-81. In 1736, Nansemond County Quakers protested “church rates,” but that protest was rejected by the Burgesses. *Journal of the House of Burgesses 1727-40* (August 20, 1736), 261.

could still assert: "We lay no schemes to advance ourselves, nor make any attempts to alter the constitution of the kingdom to which as men we belong.... [W]e freely pay all taxes, levies, &c.... And in one word, we comply with all the laws of our country without exception."<sup>10</sup> Yet, establishment forces opposed even the limited modifications requested. As a result, in spite of repeated efforts in the House of Burgesses to bring in a bill, no changes to the legal establishment were made.

Nor, given the political dominance of the establishment, were any expected soon.

In early 1774, James Madison wrote his friend and confidant William Bradford that such

incredible and extravagant stories were told in the House of the monstrous effects of the Enthusiasm prevalent among the Sectaries and so greedily swallowed by their Enemies that I believe they lost footing by it and the bad name they still have with those who pretend too much contempt to examine into their principles and Conduct and are too much devoted to the ecclesiastic establishment to hear of the Toleration of Dissentients, I am apprehensive, will be again made a pretext for rejecting their requests.

Although Baptist entreaties had been joined by other Protestant dissenters, Madison was "very doubtful" of their success because of the strength of the Church of England in the legislature and because some Anglicans were seeking even greater restrictions.<sup>11</sup>

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10 *Virginia Gazette* (Rind), March 26, 1772. Petition of Lunenburg Baptists, *Journal of the House of Burgesses* (Feb. 12, 1772), 160-61. *Journal of the House of Burgesses, 1773-76* (May 12, 1774), 92. Thomas, *Virginian Baptist*, 33. See general call for toleration from Baptists. *Journal of the House of Burgesses, 1770-72* (May 26, 1770), 20. See also Isaac, *Transformation*, 279. The same deferential tone was evident in a petition from Peaks of Otter Presbyterians as late as May 1774. Bedford County (May 17, 1774) (expecting continued tolerance so long as they obeyed the law).

11 James Madison to William Bradford, April 1, 1774, Hutchinson and Rachal, eds., *Papers of James Madison*, 1:112.



Yet, within months, as colonial leaders' attention turned to seeking an effective and unified response to the Intolerable Acts, a distinctly different voice began to creep into the dissenters' claims and petitions. As early as September 1774, seeking to use the dispute with England to their advantage, Virginia dissenters began to emphasize the relationship between Christian doctrine and opposition to "violent usurpations of a corrupted Ministry." Thus, Baptists in Lunenburg County, noting with approval the meeting of the Second Continental Congress in Philadelphia, asked "every Christian Patriot" to join the struggle against Britain.<sup>12</sup> Shortly thereafter, in a petition written in November 1774 but received by the House of Burgesses after word of open conflict in Lexington and Concord reached Williamsburg, the Hanover Presbytery, on behalf of "all the Presbyterians in Virginia in particular; and all Protestant Dissenters in general," took the opportunity to point out problems with the limited 1772 proposal for improved toleration. Still, in 1774 the Presbyterians sought only increased toleration, noting a willingness to take an "oath of allegiance" and register their places of public worship. Seeking to demonstrate resolve to seemingly indifferent, if not hostile, burgesses, the Presbyterians added that "[t]he subject is of such solemn importance to us, that comparatively speaking, our lives and our liberties are but of little value. And the population of the Country, and the honour of the legislature, as well as the interest of American liberty, are certainly most deeply con-

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12 *Meherrin Baptist Meeting Book* (1771-1884), 28-29 (entry after September 1774). Beeman and Isaac, "Cultural Conflict," 537, provide a slightly different quotation and date it to September 2, 1774. Compare Bonomi, *Under the Cope of Heaven* (importance of religious support to justify opposition to unjust government in the eighteenth century).

cerned in the matter.” A similar petition from Baptist and other dissenters seeking improved toleration was received on June 13, 1775. Both were ordered to lie on the table.<sup>13</sup>

After fighting had actually begun in New England, petitions increasingly linked religious liberty and the patriots’ cause. On the 16th of August, 1775, shortly after military mobilization presented itself as a necessity, the Baptist General Association sent a petition to the Virginia Convention. The status of the Baptists was of particular concern to colonial leaders: not only had they suffered the brunt of persecution, but Baptists had sometimes been known as pacifists.<sup>14</sup> Thus, it was of crucial importance to the patriot cause that the Baptist convention declared that the war was “just” and “it was lawful to go to War, and also for us to make a Military resistance against Great Britain.” Yet, in so doing, the Baptists tellingly noted that they were “distinguished ... from the Body of our Countrymen by appellatives and sentiments of a religious nature.” Still, the Baptists assured Virginia’s leaders that they saw themselves as “members of the same community in respect of matters of a civil nature.” Lest anyone misunderstand the importance of their

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13 Miscellaneous Petition (June 5, 1775); Baptists and Others, *Journal of the House of Burgesses, 1773-1776* (June 13, 1775), 225.

14 See Isaac, “Evangelical Revolt,” 360-61 (Baptists admonished for fighting even in self-defense); Sandy Creek Baptist October 1769 resolution regarding North Carolina Regulators: “If any of our members shall take up arms against the legal authority or aid or abet them that do so he shall be excommunicated.” Quoted in Hall, “Southern Dissenting Clergy,” 163. While Baptist pacifism was not consistent across time and place, the tendency was well-established; for example, a Baptist minister wrote in 1665 that it is “scandalous wickedness of our latter times, for any, under pretence of Christ’s Kingdom given to the Saints, to go about by the sword, or any other unlawful means, to divest magistrates and governors of their offices, to take that Kingdom before Christ give it to them to whom it will belong...” Sherman, *ΠΡΟΔΡΟΜΟΣ: The Fore-Runner of Christ’s Peaceable Kingdom*, 15, quoted in Lacey, *Dissent and Parliamentary Politics*, 99.

support, the Baptists reminded the Assembly that they represent a “brave and spirited people,” of whom “some have inlisted [sic], and many more likely so to do.” Notably, while the Baptist Association meeting reportedly condemned the establishment tax and apparently called for broader religious freedom, these issues were not expressly mentioned in the petition to the Convention at this time (although they were mentioned in newspaper accounts and may have been urged by Baptist lobbyists). The petition concluded with a request that Baptist ministers be permitted to preach to the soldiery. In response, Patrick Henry moved that dissenting ministers be permitted to preach to troops of their denominations, a motion which was quickly adopted. At the same time, responding to a long-standing dissenter complaint, dissenting ministers joined Anglican ministers in gaining exemption from militia musters. Years later, James Madison reportedly recalled that the Baptists “when hope was sinking ... declared that the tenets of their religion did not forbid their fighting for their country, and that the pastors of their flocks would animate the young of their persuasion to enlist for battles,” linking Baptists’ acceptance of the Revolution as a just war with the importance of their ministers to mobilization.<sup>15</sup>

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15 The Library of Congress database has only a summary of this petition from the *Journal of the Virginia Convention*. Miscellaneous Petition (August 16, 1775). A full copy is available in Scribner and Tarter, eds., *Revolutionary Virginia*, III:441-42. *Virginia Gazette* (Pinkney), August 31, 1776, 3:3 (some Baptists believed religious scruples forbid the paying of the establishment tax, but the General Association left its members “peaceably to pay [establishment tax], if they were free so to do, or to suffer the spoiling of goods, for conscience sake, without resistance, yet they unanimously look upon it to be a grievance, which they should rejoice to see redressed”). See also Resolution of the Hartwood Baptist Church (September 16, 1775) (“lawful” for Christians “to take up arms in the present dispute with Great Britain and her colonies”). *Minute Book of Hartwood Baptist Church, 1775-1861*, 7. Henry, *Patrick Henry*, 1:317. Compare Hening, ed., *Sta-*  
(footnote continued)

Still, while the tone and content of dissenters' requests were waxing with the conflict with Britain, by the end of 1775, the Anglican leadership was still maintaining a tight control on the reins of government and only very minor concessions had been made to dissenters. Seventeen seventy-six, however, would create a crisis of legitimacy for the government, a crisis that would be addressed by showing enough flexibility to maintain a united front against the British opposition. While agitation for religious freedom would rise to new levels in Virginia in 1776, this was not the result of the inevitable success of revolutionary principles. It was, instead, a specific choice of dissenters in the face of the state's need for their support and resulted not in a broad, principled reform, but limited and piecemeal concessions to the necessity of maintaining the dissenters' support for mobilization.

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*tutes*, VII (1757):93; IX (1775):28, 89 (initially exempting only Church of England ministers, then, in 1775, all ministers, but then limiting exemption to ministers "licensed" by General Court or their society; a requirement that might prove troublesome for some Baptists). Barbour, "Oration of the Life, Character, and Services of James Madison," quoted in James, *Documentary History*, 60.

Robert Howell's history claims that this petition was a broad call for religious freedom. *Early Baptists of Virginia*, 85. Semple also said that the 1775 General Association agreed to circulate petitions urging that "the church establishment should be abolished, and religion left to stand upon its own merits, and that all religious societies should be protected in the peaceable enjoyment of their own religious principles and modes of worship." Yet, the petition actually sent to the Convention included only the narrower request for a right to preach to the troops. Semple, *History of the Baptists*, 85, 492-94, 42-43 (Virginia Baptists seeking full liberty in 1774). Some additional pressure for reform may have been applied by Baptist lobbyists who began to be regularly dispatched to the General Assembly at about this time. Bitting, *History of the Strawberry Baptist*, 20.

### **1776: End of “Rage Militaire” and Beginning of Dissenter Demands**

After the dispatch of more pointed petitions at the end of 1774 and 1775, dissenters' calls on the House for redress lay relatively dormant until the spring of 1776. By then, much had changed. Recognizing that a prolonged crisis loomed ahead, the Second Continental Congress in May advised the colonies to draft new organic laws for their governance, and the Virginia Convention sent a resolution to the Continental Congress urging it to declare independence. While American patriots had celebrated General Gage's retreat from beleaguered Boston in April, as the summer of 1776 approached, they were waiting anxiously for renewed and escalated fighting. British reinforcements, including German mercenaries, were known to be making their way to America. In June of 1776, the Continental Congress knew that state enlistments were falling far short of the troops needed, and it was forced to adopt a bounty. Worse, news of the debacle in Canada – with the loss of 5000 American soldiers – was reaching the patriot leaders; soon, Washington's defeats in and around New York would bring on even greater gloom. Interestingly, in the midst of these growing concerns and the immediate and desperate need for men and materials to support the war effort, Archibald Cary – Anglican scion of a leading Virginia family, speaker of the new Virginia Senate, and nemesis of Virginia dissenters – was directing recruiting and procurement in central Virginia. The stage was set for the dissenters to force their way into an active role in the polity.<sup>16</sup>

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<sup>16</sup> Royster, *Revolutionary People at War*, 64, 99-100; Middlekauff, *Glorious Cause*, 340; Ferling, *Almost a Miracle*, 117-19. Bearss, *et al.*, eds., *Dictionary of Virginia Biography*, 3:103.

In the spring of 1776, dissenters began to suggest that more might be needed to obtain their full support for the war. An April letter to the *Virginia Gazette* (signed by “A Dissenter”) noted that if they were to be successful Virginians had to stand united when either their political or their religious rights were assaulted. “To this end, the dissenters (equally attached to America’s liberty) ought to petition their rulers for the removal of that yoke, that in these fearce [sic] times has become more grievous, in paying the established clergy, and being still obliged to have the solemnization of matrimony performed by them.” The writer’s suggestion that dissenters mobilize politically took on a note of warning to Virginia’s troubled leaders, ending with “[a] word to the wise is enough.”<sup>17</sup>

In this environment, Virginia was among the first of the new states to respond to Congress’ call for new organic laws when it adopted its June 1776 constitution. Of crucial importance for Virginians (and the world), Article 16 of the Virginia Declaration of Rights, adopted on June 12, 1776, was among the first written government declarations of religious freedom, as distinguished from toleration. George Mason’s original draft of the Declaration called only for “the fullest tolerance in the exercise of religion.” Objecting

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17 (Purdie), April 26, 1776. Virginia’s legislators also must have been deeply concerned by the “Scotch Highlanders, Regulators,” largely dissenters, who rallied to the king’s banner in North Carolina in early 1776. Most fortunate for the patriot cause, when North Carolina Governor Josiah Martin failed to meet the Tories with a contingent of Redcoats as expected, a number left for their homes, and the remainder were defeated by a smaller contingent of patriot militia and minutemen at Moore’s Creek Bridge in North Carolina on February 27, 1776. *Virginia Gazette* (Purdie), March 15, 1776 (Suppl.), March 22, 1776. Crow, “Liberty Men and Loyalists,” 136; Kay, “North Carolina Regulation,” 105. Still plagued by raids from a seaborne Governor Dunmore, Virginia’s patriot leaders surely understood that the course of events in the south might have been far different had Martin been successful at Moore’s Creek.

that tolerance was far from freedom, the young James Madison, in his first term in office, gained the support of the wildly popular Patrick Henry in introducing an amendment that provided “all men are equally entitled to the full and free exercise of [Religion] accordg to the dictates of Conscience; and therefore that no man or class of men ought, on account of religion to be invested with peculiar emoluments or privileges.” Yet, when Henry was asked whether this language would impair the religious establishment, he disclaimed any such intent, undermining the amendment that he had just offered. A frustrated Madison was forced to draft a second amendment, apparently introduced with the help of Edmund Pendleton, which recognized that “all men are equally entitled to enjoy the free exercise of religion.” The final language of the Declaration reflected Madison’s efforts, noting that “all men are equally entitled to the free exercise of religion,” but retained an ambiguity that would have been avoided by the “Henry” amendment.<sup>18</sup>

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18 Hutchinson and Rachal, eds., *Papers of James Madison*, 1:171-79, also citing Brant, *James Madison: The Virginia Revolutionist*, 257 (Pendleton’s role). Pendleton apparently supported Madison’s amendment to avoid more radical proposals on disestablishment. Stokes, *Church and State*, I:380. Interestingly, the language actually adopted was not printed outside of Virginia for 50 years; many assumed that Madison’s original draft calling for toleration, which was broadly published, was the version adopted. See, e.g., Grigsby, *Virginia Convention of 1776*, 164.

Madison’s popularity with dissenters was rooted in part in his successful effort to introduce religious liberty into the Declaration of Rights. James, *Documentary History*, 157-58. Reflecting the relationship of the Declaration of Rights to growing demands from dissenters, both Presbyterians and Baptists claim to have had a primary influence on Madison’s drafting. Compare James, *Documentary History*, 62ff; Johnson, *Virginia Presbyterianism*, 76ff. While one can easily credit Madison with his own drafting, the dispute between Presbyterians and Baptists over primacy in the development of religious freedom has continued for 200 years. See Appendix B: Baptists v. Presbyterians: Leading the Fight for Religious Freedom. A number of sources wrongly credit suggestions that Henry was the author of the final language of Article 16. See James, *Documentary*

(footnote continued)

Adoption of this important and remarkable declaration, though, did not resolve the question of dissent. Article 16 was immediately interpreted by some as providing only toleration while others insisted that full religious freedom, including disestablishment, was contemplated. Friends of the establishment noted that, even after Article 16's adoption, the Convention's actions demonstrated that Anglicanism continued to be the established religion. In early July, for example, the Convention directed the Episcopal Church to end the prayers for the king and to pray instead for the local magistrates.<sup>19</sup> Whatever the legal merits of the conflicting claims, clearly, Article 16 did not itself eliminate the practical infirmities faced by the dissenters. Virginia's dissenters demanded more than dramatic words. It was in this context, with a cooling of the "rage militaire" of 1775 and the military situation having turned more desperate, that previously mild dissenters' requests for improved toleration took on a new, more assertive tone.

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*History*, 64, citing Edmund Randolph, "Manuscript of History of Virginia;" Conner, *History of Our Own*, 29. Henry's early biographer wrongly indicated that Madison introduced the first, rejected, resolution, and refers to substitution of liberty for toleration as "the principle inserted by Mr. Henry." Henry, *Patrick Henry*, 1:430-32.

19 Henry, *Patrick Henry*, 1:450; Curry, *First Freedoms*, 135. Years later, as part of the controversy over disposition of glebe land, Edmund Pendleton argued that Article 16 did not contemplate disestablishment; it "rather seems to forbid coercion in matters of Faith and modes of worship, than to remove the establishment; and that laws for the latter purpose were necessary to be passed by the Assembly, was the Opinion of all at the time, and is manifested to have been that of the Societies then called Dissenters, by their various Petitions to the Assembly in October Session 1776,..." "Petitions of the Minister and Vestrymen of the Protestant Episcopal Church in the Parish of St. Asaph to the General Assembly of Virginia," (October 1797), Mays, ed., *Letters and Papers of Edmund Pendleton*, 2:645. Compare Thomas, *Loyalty of the Clergy*, 22 (minimizing conflict by urging that, after Article 16, all that followed "was simply the inevitable result").



Eight days after adopting the Declaration of Rights, the Virginia Convention received another petition from Baptists, but with a dramatically reformulated request.

Written in May by the Prince William Baptists, it began by noting that

This colony with others is now contending for ... liberties of mankind against the enslaving schemes of a powerful enemy.... We being convinced that the strictest unanimity among ourselves is very necessary in this most critical conjunction of public affairs. And that every remaining cause of animosity and division may if possible be removed, have thought it our duty as peaceable Christians, to petition for several religious privileges ... we have not been indulged with....

A more portentous opening – a powerful enemy, need for “unanimity,” the “peaceable” nature of the Baptists, and the denial of their religious privileges – could not have been provided to Virginia’s leaders as they faced growing problems with mobilization. Dismissing forever requests for greater toleration in a society with an established church, Baptists now insisted upon an end to establishment taxes and restrictions on dissenters’ worship and marriages, expressly linking their support for the war to these freedoms: “*These things granted*, we will gladly unite with our Brethren of other denominations, and to the utmost of our ability, promote the common cause of Freedom.”<sup>20</sup>

Herein lay a threat and an opportunity, one that must have struck Archibald Cary and other establishment leaders as they struggled to provide men and materials for the

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20 Prince William County (June 20, 1776) (emphasis added). The petition in the Library of Congress database is damaged; language supplemented from Ryland, *Baptists of Virginia*, 98. Notably, David Thomas, the minister for the Occoquan Church in Prince William, had himself suffered persecution while trying to preach. See also Lohrenz, “Virginia Clergy,” 257-58, referring to the 1776 Baptist petition and noting, “[t]hus substantial religious concessions were expected in return for the enthusiastic participation by the Baptists in the Revolution.”

war. Virginia's political leaders had to recognize that these were not simply requests from fellow patriots for improved treatment. Instead, they now found themselves engaged in a difficult negotiation with dissenters whose firm support was essential if Virginia was to play its part in a successful Revolution. Equally important, the ensuing dialogue marked a change from the period when gentry leaders could simply govern as they saw best, without directly engaging those from other regions, classes and religions. Dissenters, who had been effectively excluded from (or, at least, minimized in) the polity, were now active participants in the process.<sup>21</sup>

Two months later, Baptists meeting in convention in Louisa took the matter up in a letter to the state's first governor, Patrick Henry, reminding him that "you have always distinguished yourself by your zeal and activity" for Virginia and a "constant attachment to the glorious cause of liberty and the rights of conscience." Governor Henry responded promptly, promising to "guard the rights of all my fellow citizens, from every encroachment" and hopefully (perhaps anxiously if not particularly accurately) noting "that those

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21 Michael McDonnell argues broadly that by 1776 "many [Virginians] began to demand changes and show a keenness to wrest concessions from patriot leaders in return for their wartime support and sacrifices." *Politics of War*, 175. McDonnell documents *ad nauseam* the war-time tension that permeated recruiting for the army and the militia, attributing most difficulties to class. Of course, nothing less should be expected in a major mobilization, and McDonnell, in perhaps overstating some of the difficulties, tends to ignore or minimize Virginia's successes and the cooperation which did occur across class. Moreover, the "changes" which he discusses as being demanded in return for mobilization relate almost exclusively to the means to draft members of the Continental Army, to call-up militia or to raise taxes to pay for recruits, i.e. related directly to how best to mobilize, and were consistently accompanied by promises to mobilize when needed. Religious dissenters, in contrast, used the necessity of mobilization to demand reform in a wholly unrelated area. In one sense, the story of the growth of religious freedom in Virginia is a far better example of the conflict that McDonnell addresses.

religious distinctions which formerly produced some heats are now forgotten ... that the only contest among us, at this most critical and important period, is, who shall be foremost to preserve our religious and civil liberties.” Virginians must now “perish or triumph together.”<sup>22</sup>

Henry’s hope that previous “heats” would be forgotten was a hope in vain absent concomitant reform in the treatment of religion. With the Declaration of Rights in hand but establishment taxes still being assessed, and with the war effort proceeding poorly, dissenters continued dramatically to increase their call for religious freedom, subtly – and sometimes not so subtly – linking that freedom to support for the war. In the next key missive, received on October 11, residents of heavily Presbyterian Prince Edward County noted that they “heartily approve” of the new constitution as Article 16 of the Declaration of Rights would “relieve us from a long Night of ecclesiastic Bondage.” The petitioners then warned the political leaders that they expected that, “without Delay, you would pull down” the establishment. With Tory interests seeking support in Virginia at the time, Virginia’s leaders had to be sensitive to the implications of such a plea; moreover, the Presbyterians clearly linked the issue to the war by noting that such action would “blot out every vestige of British Tyranny and Bondage.” The concern of the political leadership to appease Presbyterian interests was heightened by reports that some western coun-

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22 *Virginia Gazette* (Purdie), August 23, 1776.

ties were threatening to abandon Virginia and establish their independence; the same areas had seen some opposition to Virginia recruiting officers.<sup>23</sup>

Less than a week later, the House received the “10,000 Name” petition from “the Dissenters from the Ecclesiastic establishment” which had been organized by the Baptists, although many non-Baptists were signatories. The 10,000 Name petition specifically noted that establishment levies constituted taxation without representation. This call to end the establishment and guarantee religious equality so that “Animosities may cease” – particularly given the stated recognition that unanimity was needed in the war effort – was difficult to overlook.<sup>24</sup> Two days later, a remonstrance from freeholders and, critically, militia from Augusta County (another Presbyterian stronghold) noted that Virginians’ “unanimity has made them formidable to their enemies,” but warned that “their unanimity will be ever preserved by giving equal liberty to them all; nor do the [sic] crave this as the pittance of courtesy but ... as their patrimony which cannot be withheld from them without the most flagitious fraud, pride and injustice, which if practiced may

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23 Prince Edward County (October 11, 1776); *Journal of the House of Delegates* (October 29, 1776), 41 (hereinafter *JHD*). Griffin, *American Leviathan*, 140. A discussion of the different language used by Presbyterian and Baptist petitions is provided in Appendix B: Baptists v. Presbyterians.

24 Miscellaneous Petition (October 16, 1776). To put 10,000 signatures (principally, although not exclusively, adult white males) in context, Virginia’s total population at the time is estimated at 400,000 to 600,000, of which approximately 40-45% were slaves. Greene and Harrington, *American Population*, 141. Thus, this petition may have included signatures from over 10% of the adult white male population. Interestingly, Baptist minister Jeremiah Moore apparently gave the 10,000 name petition into Jefferson’s hands. Little, *Imprisoned Preachers*, 488-89, quoting Jeremiah Moore to Thomas Jefferson (July 12, 1800). (Little, however, also confuses the 10,000 name petition with the 1785 petitions against the general assessment. *Imprisoned Preachers*, 489.)

shake this continent and demolish provinces.” If more than the militia’s participation in this process was necessary to focus establishment leaders on the implications for mobilization, the Augusta petition made clear that failure to act would risk a violent reaction, noting that the petitioners “firmly believe attempts to repeal an unjust law can be vindicated beyond a simple remonstrance addressed to the legislators.”<sup>25</sup>

Any doubt that Presbyterians had wholeheartedly joined the call for religious freedom as a condition for wholehearted support of the war was dispelled by a new petition from the Hanover Presbytery. This October 24 petition was based upon the Declaration of Rights and natural rights philosophy and, importantly, prominently noted the dispute with Britain. Virginia’s legislative leaders, including establishment stalwarts who populated the Committee for Religion, could not miss the change in tone and content from prior Presbytery petitions. The petition noted that dissenters have

ever been desirous to conduct themselves as peaceable members of the civil Government; for which reason, they have hitherto submitted to several ecclesiastic burthens [sic] and restrictions that are inconsistent with equal liberty. But now when the many & grievous oppressions of our mother Country have laid the Continent under the necessity of casting off the yoke of tyranny, ... we flatter ourselves that we shall be freed from all the encumbrances which a spirit of Domination, prejudice, or bigotry hath interwoven with most other political systems.

The Presbyterians’ specific request to the legislature was prefaced with a recognition that “in a land where all of every denomination are united in the most strenuous efforts to be free; we hope and expect that our Representatives will chearfully [sic] concur in remov-

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25 *Virginia Gazette* (Purdie), October 18, 1776.

ing every species of religious, as well as civil bondage.” The Presbyterians concluded that “[t]his being done,” it will inure to the “great honour and interest of the State.”<sup>26</sup>

Additional petitions peppered the Assembly in late 1776 calling for an end to the establishment tax and pledging that, “[t]his granted,” dissenters “shall ever wish well to the commonwealth, and shall always do every thing in their Power to defend it.” The war with Britain, and “consideration, that by the joint & strenuous endeavors of every one our Liberty” could be defended, again provided the context. Petitioners would “[d]etermine to bleed ... before they submit, to any form of Government, that may be subversive of these religious Privileges that are a Natural Right.” The logic was inescapable: support for the new government – including mobilization – was absolutely essential, and it would turn upon the new government’s treatment of “religious Privileges.” So that the importance of their requests could not be missed, the Augusta County Committee warned of the “Vast Number of Dissenters from the Established Church in this Colony” and that establishment tends to embitter “the Hearts of every Virtuous American now Strugling [sic] in Defence [sic] of the Common Rights of Mankind.” A somewhat modified plea, but with an equally clear sense of the relationship of military service and religious freedom (if also a back-handed slap at Baptists and Presbyterians), was heard from the German Reformed Church in Culpeper. “[A]s we now with our fellow Citizens are obliged to bleed for

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26      Miscellaneous Petition (October 24, 1776).

Freedom, and contribute our proportionate part of the Expense of War," establishment charges should be eliminated.<sup>27</sup>

Responses from the established church tended to confirm the fact that dissenters were negotiating an understanding about the relationship of their support for the war and religious freedom. A petition from Anglican clergy and one from Methodists (who until 1784 were "in communion with the Church of England") sought continuance of the establishment. A group of Anglican ministers personally pressed their opposition to disestablishment upon members of the Assembly in Williamsburg. An Anglican essayist argued in the *Virginia Gazette* that the majority of people would be "aggrieved" by disestablishment and might "be sickened" of support for the Revolution, complaining bitterly that dissenter warnings about the risk to the unanimity of support for the war effort were disingenuous. "Why then should unanimity forsake us, as long as we continue in the same situation? If it does, it must be because some people require more than others for having ventured less, and only having done, to say the most, as much."<sup>28</sup>

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27 Albemarle, Amherst, Buckingham Counties (October 22, 1776) (emphasis added); Augusta County Committee (November 9, 1776); Culpeper County (October 22, 1776). Also Albemarle, Amherst, Buckingham Counties (October 22, 1776) (an end to establishment "would most certainly have an happy Influence upon the members of the several Churches ... in warmly attaching all of every Denomination to Government"), language supplemented from Brydon, *Virginia's Mother Church*, 2:563; Berkeley County (October 25, 1776); Miscellaneous Petition (October 25, 1776); Albemarle & Amherst Counties (November 1, 1776) ("struggling in the same common cause," eliminating establishment will eliminate feuds among people).

28 Miscellaneous Petition (November 8, 1776); Miscellaneous Petition (October 28, 1776). Honyman, *Diary, 1776-1782*, October 27, 1776, 79-80 ("The ministers of the church of England have appointed to go down to the Assembly the 6th of next month to consult on the measures to be pursued in the present emergency, & to know what footing  
(footnote continued)

Some historians have underestimated the Anglican response to the dissenter challenge. With several petitions, newspaper letters, Anglican ministers button-holing delegates and a previously firm control on the leadership, Anglicans thought their response was adequate to at least obtain a delay, particularly given the press of other war-related matters. In 1777, Anglicans would react angrily to the suspension of establishment taxes. The problem was not a lack of Anglican response; rather, the dissenters were in a position to demand reforms.<sup>29</sup>

Furthermore, it is far more difficult to oppose someone else's liberty than to fight for your own. A biting response to the Anglican letter to the *Gazette*, reportedly penned by Caleb Wallace, the moderator of the Hanover Presbytery and an Augusta County leader (and son-in-law of one of the Augusta members of the House) who had been sent to Williamsburg to lobby for reforms, warned that “[a]t a time when the salvation of our country confessedly depends on the aid and exertions of every party, does not policy loudly forbid any irritating refusal to the reasonable demands of thousands of valuable citizens?” In fact, the presence of dissenting ministers in Williamsburg lobbying the legislature – and presumably able to make their demands more pointedly orally – certainly contributed to establishment leaders taking their concerns (and threats) seriously. For example, Wallace “was in attendance upon the assembly for six or eight weeks for the

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they are to be upon”). *Virginia Gazette* (Purdie), November 1, 1776. Claiming support of 3000 Methodists, the Methodist petition was signed only by Minister George Shadford who returned to England during the war. Hall, “Southern Dissenting Clergy,” 125.

29 E.g. Bailey, *Popular Influence*, 153 (“absence of protests from Anglicans”).



furthering of this object.” In the end, Virginia’s leaders concluded that Anglicans were unlikely to refuse to fight because of concessions to dissenters. The alternative danger, however, loomed large.<sup>30</sup>

Significantly, these petitions arrived in the context of an on-going military conflict which, by the end of 1776, many patriots were viewing with apprehension. After the passing of the first flush of patriotic fervor and success, state leaders – who were intimately familiar with the pre-war persecution of dissenters and had led the successful efforts to limit even toleration – were being forced to come to grips with waning military ardor, mounting battlefield losses and the difficulty of maintaining a volunteer army. One Baptist minister explained “the state legislature became sensible that a division among the people would be fatal to this country.” With crucial fiscal and military issues pressing, the Virginia Assembly was forced to turn to the question of religious freedom despite Anglican lobbying and calls for delay. As Beeman and Isaac noted, “[c]learly, some accommodation was essential if the dissenters were to join in the ‘common cause’ of the Revolution. With signs of reluctance on the part of the majority, the assembly consented to radical rearrangements.”<sup>31</sup>

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30 *Virginia Gazette* (Purdie), November 8, 1776. Whitsitt, *Life and Times of Judge Caleb Wallace*, 42-43, 53-55. Campbell, *History of the Colony*, 674 (quote)(footnote omitted). An Anglican advocate made exactly the opposite argument, to no avail: “Every reasonable person will allow, that, to deprive men of what they have always enjoyed, and been taught to regard as their right, is a much juster cause of complaint, and much more likely to produce dissatisfaction and dissensions, than the withholding from them what they never had in possession, and what the distresses of their country only could have made them expect.” *Virginia Gazette* (Purdie), November, 1, 1776.

31 Fristoe, *Concise History*, 82. Beeman and Isaac, “Cultural Conflict,” 538.

Contrary to later suggestions by some participants (and latter-day historians), reform was neither prompt nor easy; it was forced upon Virginia's leaders in 1776, and continued, piecemeal negotiations occurred throughout the war. The 1776 petitions were initially referred to the Committee for Religion, a committee which the conservative Edmund Pendleton, speaker of the House, had appointed in an attempt to support the status quo.

Even before formal presentation of the petition from Prince Edward County [October 11, 1776], he [Pendleton] had appointed a Committee of Religion to take care of the anticipated move. To the chairmanship of the committee he appointed Carter Braxton. He had also named to membership the most conservative man in the House, Robert Carter Nicholas. Pendleton had told Jefferson earlier that he counted upon these two to "assist in watching and breaking the spirit of party, that bane of all public councils."<sup>32</sup>

The sparse pages of the *Journal of the House of Delegates* demonstrate the effort of Pendleton and other establishment supporters to resist reform. As the first session of Virginia's General Assembly got underway in October, the dispute clearly escalated. More and more petitions arrived and more and more members were added to the Committee of Religion – undermining Pendleton's effort to pack the Committee – until, on November 6, the House of Delegates passed a resolution to permit any member to sit on the Committee. Disputes must have still plagued their efforts, however, and on November 9, the Committee was discharged from any consideration of the petitions, with the demands for

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32 Mapp, *Virginia Experiment*, 448 (footnotes omitted). See also Dill, *Carter Braxton*, 165-66 ("Probably Speaker Pendleton had chosen him, as a conservative churchman, to cool the heated demands for immediate overthrow of the Anglican establishment.")

religious liberty and the Anglican responses being referred to the Committee of the Whole House. On November 19, the House adopted a resolution calling for an exemption of the dissenters from establishment taxes, continued regulation of religion, and retention of property by the then established church. A smaller committee (including, inter alia, Robert Carter Nicholas, Thomas Jefferson, George Mason, Patrick Henry and James Madison) was appointed to bring in a bill, but apparently its progress was also impeded. Evidencing the intense debate over these matters, when Jefferson temporarily left the House for personal reasons, the proposed bill was amended to soften the blow on the established church, calling only for a suspension of taxes and specifically reserving for further discussion the question of a general assessment to benefit all religious sects. The limited bill also apparently did not repeal prior acts penalizing non-attendance or requiring particular “modes of worship.” This was only remedied by Jefferson’s hurried return to the House.<sup>33</sup> Finally, after years of failed attempts to improve toleration and limit the establishment, on December 9, 1776, with a war government struggling to mobilize the populace, dissenters were exempted from establishment taxes; at the same time establishment taxes were suspended and annual suspensions continued until 1779. The General Assembly also repealed penalties for nonattendance at Anglican services – a requirement that had also been used to vex dissenters. Licensing matters were left legally ambi-

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33 *JHD* (November 5, 1776), 55; (November 6, 1776), 58; (November 9, 1776), 65; (November 19, 1776), 85; (November 23, 1776), 93; (November 29, 1776), 101; (November 30, 1776), 102-03. Having left Williamsburg on personal leave, Jefferson apparently returned quickly in an effort to save the bill after the November 30 changes. See Whitsitt, *Life and Times*, 53-55; *JHD* (December 4, 1776), 110.

guous (although the removal of penalties effectively seemed to undermine them). Still, that reformers were forced to accept suspension of establishment taxes, rather than elimination, and that the question of a general assessment to benefit all religion was expressly reserved are further evidence of the continuing authority and power of establishment supporters.<sup>34</sup>

As if to counter any suggestion by Anglican apologists or later historians that these reforms were quickly or easily granted to the dissenters, Jefferson later referred to these debates as “the severest conflicts in which I have ever been engaged. Our great opponents were Mr. Pendleton and Mr. Robert Carter Nicholas – honest men, but zealous churchmen.” The records from the House of Delegates bear out Jefferson’s conclusion and support the notion that a reluctant political establishment was being forced to come to grips with a new Virginia, one in which the political establishment would no longer be synonymous with the established church and in which dissenters (of western counties and of middling and lower class) would be agents in the political process.<sup>35</sup>

Interest has suggested an alternative view from the start. For example, Edmund Randolph, an Anglican advocate, argued that the establishment tax was easily repealed as Anglicans “dreaded nothing so much as a schism among the people, and thought the

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34 Hening, ed., *Statutes*, IX:164-66.

35 Jefferson, *Autobiography*, 34. Jefferson went on to bemoan the fact that, while 1776 brought partial success, “our opponents carried in the general resolutions of the commee [sic] of Nov. 19, a declaration that religious assemblies ought to be regulated, and that provision ought to be made for continuing the succession of the clergy, and superintending their conduct.” *Ibid.*, 35.

American principle too pure to be adulterated by religious dissension. They therefore did in truth cast the Establishment at the feet of its enemies....” Randolph added that the 1776 reforms were made with only limited Anglican opposition; “[t]he advocates for the church were apparently unconscious of its [the December law’s] imbecility [i.e. impact on the religious establishment]. It was enervated by mental inactivity, and it was palpable that a blow like this must stun it into a state of lingering, from which it could never wholly recover.” Randolph conceded that “[i]f the church and the dissenters could have been brought to such an issue that the Establishment was in danger, the band of union might not have been totally free from fracture.” Yet, the petitions and newspaper accounts and the machinations evident in the *Journal* demonstrate that the established church and dissenters *were* brought to such an issue, and that the establishment, after serious opposition and having limited the reforms’ impact, facing war-time necessity, had to recede. Pendleton joined Randolph’s effort at revisionism, and their views were subsequently embraced by sectarian historians of the nineteenth century who sought to minimize any notion of conflict in the revolutionary process as they claimed a central role for their denominational predecessors as principled patriots. In fact, Randolph was putting a conciliatory face on the matter.<sup>36</sup> Jefferson’s testimony confirms what is clear

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36 Randolph, *History of Virginia*, 263-64, 194. Randolph was referring specifically to the adoption of Article 16 of the Declaration of Rights and the subsequent actions to implement it. Pendleton reportedly drafted the Petition of Parishioners of (Anglican) St. Asaph (October 1786) noting

That at the period of the late glorious revolution in America they cheerfully [sic] consented to an abolition of the old Church establishment; ... and although at the time and since, they have proposed a general Assessment

(footnote continued)

from the record: the negotiation over religious freedom was perhaps the most complex and difficult ever faced by the Virginia House because it evidenced, in part, the creation of a new Virginia. While sectarian historians have focused upon the results – the key role of Baptists and Presbyterians in Virginia’s war effort and their intimate participation in the polity after the war – the process itself, the give-and-take of difficult negotiations, was central to these developments.

Not only has the literature often underestimated the controversy and difficulty surrounding these negotiations, but the literature has also avoided the extent to which this dialogue was a negotiation for military support. Over the years, as interest revised history, Virginia’s previously dissenting sects increasingly, and correctly, claimed an important role in the struggle for liberty without noting that they had bargained for religious freedom with strong indications that their support had a price.<sup>37</sup> It was critical, after all,

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(footnote continued)

for the support of Religious Teachers, (upon terms they thought equal an unexceptionable) from a full conviction of the public utility, nevertheless as that was a measure which equally concerned the other Societies, who had an equal right to judge for themselves, and have declared their Opinion in opposition to the Measure, Your Petitioners are not inclined to press its adoption, until experience, the best test on the occasion, shall decide either for its general approbation, or dislike.

By October of 1786 when Pendleton wrote, the general assessment was doomed, Chapter 4 *infra*, but the new Episcopal Church was trying desperately to retain its recent incorporation by the state legislature, a policy heartily opposed by dissenters, and to retain the property which it owned before the War. Mays, ed., *Letters and Papers*, II:488-89.

37 See, e.g., Cathcart, *Baptist Patriots*, 88-89; Hall, “The Southern Dissenting Clergy,” p. 264, discussing Robert Baylor Semple, *History of the Rise and Progress of the Baptists in Virginia* (1810), 62; Breed, *Presbyterians and the Revolution*. Similarly, Gewehr reported heroically that “[t]he petitions to the Virginia legislature abound in expres-

(footnote continued)

that after the war the former dissenters were able to claim the mantle not only of “real republicans” in the political process, but also disinterested patriots.<sup>38</sup> Yet, if there was any doubt about the nature and intensity of the negotiations from the petitions and other sources, what was to follow – both the Anglican response and the continued negotiation – would confirm that the dissenters had forced their way into the polity by insisting upon religious freedom in return for their support for the war effort and that the establishment leaders had been forced to engage the dissenters in an extended negotiation which created and legitimized their position in the polity.

#### **1777-1781: Continued Negotiation and Anglican Response**

While some have treated the 1776 reforms as the end of the establishment, in fact, the suspension of establishment taxes did not end the establishment nor did it resolve the

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sions of loyalty to and support of the Revolutionary cause by these denominations [dissenters], ...” *Great Awakening*, 188 n. 4. This, though, is to miss the contingency in the dissenters’ pledges of loyalty. As Jon Butler notes in a similar vein, after the war, sectarians “Christianized” it. Butler, *Awash*, 212.

In the French and Indian War, Virginian leaders had recognized a linkage between toleration of Presbyterians and effective support by Presbyterian leaders for mobilization. See, e.g., Wilson, ed., *Records of the Synod of Virginia*, Letter to Governor John Earl Loudoun, Aug. 10, 1756, Letter to Governor Francis Fauquier, July 12, 1758, Response from Governor Fauquier, Sept. 27, 1758. The support provided by the Presbyterians for mobilization at the time of the French & Indian War, and the colony’s response, is discussed in, for example, Gewehr, *Great Awakening*, 97.

38 See, e.g., Irons, “Spiritual Fruits,” 166 (after the war “[t]housands joined Baptist churches ... because they had shown themselves friends of the Revolution”). Charles Irons’ dissertation also has an interesting discussion of how religious sects, after the Revolution, sought to Americanize themselves by claiming a prominent role in the mythology of the Revolution. See “The Chief Cornerstone,” 31-39.

problem of religious liberty. Dissenters still faced restrictions on marriage and were still subject to poor taxes and regulation from Anglican vestries, among other infirmities. The question of a general assessment was left unresolved. The Church of England was technically still the established church, subject to regulation by government, and Anglican leaders had been successful in ensuring that establishment taxes were suspended rather than repealed. The means by which these problems were addressed over the remaining years of the war and the Anglican response provide further evidence that the political hierarchy and the dissenters were intimately engaged in a complex negotiation concerning religious liberty and mobilization.

The Anglican response in 1777 is particularly telling. Whatever the logic of the negotiations, and whatever the change in content and tone of dissenters' petitions from 1774 to 1776, one might question the extent to which the dramatic change in religious liberty was made not on the basis of revolutionary principle but in order to obtain dissenters' support for mobilization. After all, certainly some legislators supported elimination of the religious tax before the war and many dissenters would have mobilized in any case. Earlier analyses have tended to avoid conclusions about the extent of suasion applied to the legislature and the degree of pressure involved. In part, this was made possible by underestimating the strength of the establishment and the political clout of those who opposed liberalization, not to mention failing to focus on the conditional language used by the dissenters throughout 1776. Yet, the established church itself provided strong evidence that the concessions on religious liberty were part of a difficult negotiation for support of the war effort.



Shortly after establishment taxes were suspended, exasperated Anglican petitions (which tend to be printed rather than hand-written) objected angrily that dissenters were insisting upon religious freedom before offering full support for mobilization. Noting that in the present “critical situation” nothing should divert the legislature from indispensable war measures. Yet, recognizing that it was necessary to “make men unanimous in the defence of liberty,” “inhabitants” (read Anglicans) of Mecklenburg County begged continued support for the established church. Importantly, they concluded that they “would by no means wish to see Churchmen adopt the principles of Dissenters, withhold their concurrence in the common cause until their particular requests are granted, for by such conduct all may be lost.” The Anglicans knew exactly what the dissenters were doing and hoped that making the “deal” explicit would force dissenters and legislators to shy away from it in the name of unanimity in the struggle and southern honor. Anglicans from across the Commonwealth joined in this protest, filing similar or identical petitions through 1777 and into 1778. Thomas Buckley discusses these petitions, but misses the fact that the Anglican petitioners understood that the dissenters’ petitions and other communications anticipated a *quid pro quo* for support, support which went to the heart of military preparedness.<sup>39</sup>

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39 Mecklenburg County (May 29, 1777), Cumberland County (May 21, 1777) and (November 6, 1777) (petitions missing, summaries like Mecklenburg petition), Lunenburg County (December 11, 1777) (petition missing, summary like Mecklenburg petition), Westmoreland County (October 9, 1778). Buckley, *Church and State*, 40-41. See also Hawks, *Contributions Ecclesiastical*, 137:

The Baptists were not slow in discovering the advantageous position in which the political troubles of the country had placed them. Their numer-

(footnote continued)

Having objected to what they viewed as inappropriate pressure from the dissenters, Anglican supplicants could only hope to delay consideration of religious freedom past a crisis that increased dissenters' leverage, urging that, given the controversial nature of establishment and religious regulation, it "should be debated at a time when you have nothing of more importance to engage attention." Given the press of war-related business, this seemed a reasonable request. Rather than threatening to withhold support, Anglicans recognized reluctantly that "[i]f only withholding from a competent number of ministers of the gospel fixed salaries is the most likely means to make men unanimous in the defence of liberty, as has been urged, we should be very sorry indeed if there could be one found of that reverend order who would repine at the success of the measure."<sup>40</sup>

Anglican calls for delay may have acted as a call for all deliberate speed to those who saw in the dispute an opportunity to promote religious freedom. Shortly thereafter Jefferson warned in his *Notes on Virginia* that the time to establish liberties firmly was during the conflict. "It can never be too often repeated, that the time for fixing every essential right on a legal basis is while our rulers are honest, and ourselves united. From the conclusion of this war we shall be going down hill. It will not then be necessary to

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ical strength was such as to make it important to both sides to secure their influence. They knew this, and therefore determined to turn the circumstances to their profit as a sect.

Hawks also misses the central role of the rising tone of the exchange and the shift in the Presbyterian position as well as the breadth of the dissenter negotiations. *See also* Foote, *Sketches of Virginia*, 322 (suggesting simply that "the law-makers discovered that those who fought their battles ought to be indulged with freedom of conscience").

40 Mecklenburg County (May 29, 1777).

resort every moment to the people for support.” The same point was made by the Baptist minister William Fristoe: “The consideration of these things, stimulated and excited the Baptists in Virginia to use every effort, and adopt every measure embracing that particular crisis as the fittest time to succeed, which if past by might never offer again, and they and their posterity remain in perpetual fetters under an ecclesiastic tyranny.”<sup>41</sup> In fact, these Anglican petitions appear to have had the opposite of their intended effect. They made Virginia political leaders’ options clearer: they could give dissenters whatever religious freedoms seemed necessary to maximize support for the war while maintaining the support, albeit somewhat begrudging, of the Anglican establishment.

This pattern continued for the remaining years of the war, but the continued political efforts of Anglican leaders prevented a complete collapse of the religious establishment or full granting of religious liberty. Rather, there was an ongoing exchange between dissenters and the General Assembly for the rest of the war, with the Assembly slowly making reforms as needed to encourage effective support. The dissenters and Virginia’s political leadership would continue to spar as one group sought greater liberty

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41 Jefferson, *Notes on the State of Virginia*, Query XVII, 287. Jefferson goes on to warn that “[t]he shackles, therefore, which shall not be knocked off at the conclusion of this war, will remain on us long, will be made heavier and heavier, till our rights shall revive or expire in a convulsion.” Fristoe, *Concise History*, 83. Jefferson’s prediction that the end of the war would mark the zenith for religious (and other) liberties, was to prove false in large part because of the redefinition of Virginia’s political structure which resulted from the war and the gentry’s necessity of negotiating with dissenters and incorporating them into the political framework.

and the other support for mobilization. Throughout the period, there was an exchange of requests and demands and, slowly, concessions by the political leadership.<sup>42</sup>

Legislative concessions to dissenters came in multiple forms. As recruiting became more difficult, under considerable pressure from throughout the state, the General Assembly began to eliminate or narrow exemptions from the requirement of mustering with the militia (from which Continental drafts were also made). In 1775, 1776 and 1777, the House eliminated exemptions for overseers, Quakers & Mennonites (requiring them to hire a substitute if they wished to avoid service), copper workers, some millers, and students and faculty at the College of William and Mary. By contrast, with a crisis in recruiting growing, dissenting ministers were exempted in 1775 and the requirements for qualifying as an exempted minister were clarified in 1777 such that dissenting ministers could readily qualify so long as they would take an oath of loyalty. While other exemptions came under extreme scrutiny, the exemption for dissenting ministers, having been made and expanded, was kept in place.<sup>43</sup>

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42 Curry's conclusion that the war prevented Virginia from focusing on these issues until 1783, while a position urged by the Anglicans, was simply not the case. Curry, *First Freedoms*, 139.

43 Compare Hening, ed., *Statutes*, VII (1757):93; IX (1775):28; IX (1776):139-40; IX (1777):267. The General Assembly had acted to exempt dissenting ministers from the muster in late 1775, but only if duly "licensed" by the General Court or their sect, *ibid.*, IX (1775):89, but this had apparently not been adequate for Baptist ministers in particular. The new statute specifically referred to compliance with "the rules of their sect." The only other notable expansion in the exemption from mustering was for makers of firearms and workers in lead mines (after that exemption was initially removed in 1775). For a discussion of the pressure on the Assembly to eliminate exemptions from the militia muster, see McDonnell, *Politics of War*, especially at 240.

In 1777, as the House of Delegates returned to Richmond, concerned by the express reservation of a possible general assessment in the 1776 legislation, the Hanover of Presbytery filed a petition objecting to any such assessment, viewing it as undoing the good that had been accomplished with adoption of the Declaration of Rights and the suspension of establishment taxes. By contrast, the Presbytery noted that the suspension of establishment taxes tended to inspire its members with confidence in government. Baptists joined the objection to a general assessment. In spite of the broad protests from Anglicans, the question of a general assessment was left on the table and establishment taxes were again suspended. More immediately, with an eye to the recruiting problems faced throughout Virginia, dissenting sects were given the right to raise their own Continental companies, officered by their own co-religionists, to help fill Virginia's quota.<sup>44</sup>

By contrast, beginning in 1777 and continuing through 1778, the General Assembly received a string of Anglican petitions objecting to the "alarming" progress of dissenters. These petitions objected to the abandonment of the established church by the Assembly (noting the breach of faith with ministers who had pursued ordination with an expectation of continued provision of ecclesiastical salaries) and to the preaching of the dissenters, particularly the use of meetings out-of-doors and at night (a lightly-veiled reference to preaching to slaves). The petitions sought increased restrictions on dissent, in-

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44 Miscellaneous Petition (June 3, 1777). *Virginia Gazette* (Dixon & Hunter), March 28, 1777 (Baptist letter). Hening, ed., *Statutes*, IX (1777):312, 387, 337-48.

cluding licensing of ministers, and some action to provide funding for churches. Given the progress of the war, these petitions were wisely ignored or simply tabled.<sup>45</sup>

Seventeen-seventy-eight was a relatively quiet year for religious issues in the General Assembly – and not coincidentally an optimistic year for mobilization with France’s entry into the war, but it did not pass without some renewal of dissenter complaints. For example, Presbyterian petitioners sought a relaxation of requirements concerning the use of oaths, with various oath requirements still applying to voters and civil and militia officers. By May of the following year, the Assembly permitted solemn declarations in the place of oaths for those of religious scruples (regardless of denomination or purpose). While a relatively minor reform, it was another step in the process of bringing dissenters fully within the polity.<sup>46</sup>

In 1779, with the war seemingly stalemated and recruiting lagging badly,<sup>47</sup> the simmering negotiations concerning religious liberty again came to a boil. Several issues that continued to vex dissenters rose to the General Assembly’s attention but were left unresolved, while the assembly was forced to take action on the outstanding challenge posed by the still established (if not fiscally-supported) church. In May, facing repeated

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45 Cumberland County (May 21, 1777), (November 6, 1777), (November 6, 1778); Amherst County (October 13, 1778); King William County (November 21, 1778).

46 Miscellaneous Petition (October 29, 1778). Hening, ed., *Statutes*, X (1779):28. Compare Hening, ed., *Statutes*, VIII (1769):311; IX (1775):32 (dealing with oaths).

47 Royster, *Revolutionary People at War*, 267. See also Patrick Henry to Henry Laurens (June 18, 1778) (Virginia’s inability to fill its quota), Hutchinson and Rachal, eds., *Papers of Madison*, 1:245. Compare “Bill for the Better Regulation and Discipline of the Militia” passed in June. Hening, ed., *Statutes*, X (1779):83-85.

calls for dissolution of specific vestries and dissenter opposition to the vestries' continued civil capacity, the General Assembly took up a bill on vestry reform and for appointment of overseers of the poor to replace the vestry's civil functions. While repeatedly brought forward, defenders of the status quo were able to delay this bill through 1779, but it resurfaced in 1780. In addition, the Baptist association again objected to marriage laws that prohibited marriage without an Anglican minister (or at least the paying of an Anglican minister's fees). With Anglican ministers' salaries suspended, the Assembly was not yet prepared to eliminate this important source of income.<sup>48</sup>

More fundamentally, a heated battle began over proposals for a broad legislative statement of religious freedom and counter proposals for adoption of the long-delayed general assessment. It was clear to participants that the battle for religious freedom was far from over. In May, as part of a general reform of colonial laws to comport with the independent status of Virginia, the General Assembly took up Jefferson's Bill for Establishing Religious Freedom. By the fall, a series of petitions from dissenters urged passage of Jefferson's bill. A petition from (largely Presbyterian) Augusta County said the Bill was "agreeable to our Declaration of Rights" and an appropriate means "for Laying a Permanent foundation to maintain that Liberty which we are so Earnestly, if so [missing text] contending for." Baptists meeting in Amelia County wrote:

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 deno-

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48 *JHD* (May 28, 1779), 33. Miscellaneous Petition (Baptist Association) (October 25, 1779). *JHD* (November 29, 1779), 91.

mination; we, therefore, heartily approve of the same, and wish it to pass into law.

Another petition from Augusta stated that Jefferson's Bill was based upon "just, catholic & political principles" and urged that it be adopted. A November 1 petition from "Church of England men, Presbyterians Baptists and Methodists" in Amherst County (a western county) whole-heartedly supported the Bill.<sup>49</sup>

Overall, however, there were more petitions in opposition to Jefferson's bill from supporters of the established church, many seeking adoption of the general assessment to support all Christian denominations. On the same day that the House received the Augusta petition, it received a petition from Lancaster County urging that the bill for Establishing Religious Freedom should be tempered by a requirement of licensing of preachers so as to avoid "Licencious [sic] Freedom." Other petitions rejected Jefferson's bill but called for a "general assessment for the support of Religious Worship." Opposition to evangelical appeals to enslaved blacks is prominent in these petitions. A November 10 petition from Amherst supported a general assessment and restrictions on any "Catholic, Jew, Turk or Infidel" in any civil capacity.<sup>50</sup>

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49 Augusta County (October 20, 1779). The Amelia Baptists specified that their resolution in support of Jefferson's bill be published in the *Gazettes*. Semple, *History of the Baptists*, 89. Augusta County (October 27, 1779). Amherst County (November 1, 1779).

50 Lancaster County (October 20, 1779). Essex County (October 22, 1779) (marked, apparently by Committee on Religion, as "rejected"). See also Culpeper County (October 21, 1779); Lunenburg County (November 3, 1779). Amherst County (November 10, 1779). Tellingly, the November 10 Amherst petition noted that it had been read and approved by the militia at muster, indicating that the Anglican petitioners were learning from the dissenters' example. The debate was also taken up in the newspapers, with opposition to Jefferson's bill receiving the most print. Compare *Virginia Gazette* (Dixon & (footnote continued)



In the midst of this heated debate, on October 25, a general assessment bill to benefit all Christian denominations was introduced. After being read a second time, however, the bill was repeatedly delayed from consideration by the whole House and eventually failed. As Otto Lohrenz notes: "Another factor working against general assessment was the dim prospect of the American cause at the end of 1779.... Virginia's revolutionary leaders realized that it was no time for the enactment of legislation which the two largest dissenter groups in the state had sharply opposed."<sup>51</sup>

Upon the defeat of the general assessment, an effort to eliminate the establishment tax, rather than continuing its suspension, was finally introduced into the House. With the war far from won, the Assembly again acted to mollify dissenters by rejecting the assessment and, after suspending the establishment tax each year from 1776 through 1778, finally repealed it in December 1779.

In each successive meeting of the Legislature from 1776 to 1779, this *questio vexata* was brought up for discussion, and the friends of voluntary contribution, apprehensive probably of a final vote against them, labored,

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Nicolson), August 14, 1779, September 11, 1779, September 18, 1779, *Virginia Gazette* (Clarkson and Davis), November 6, 1779, and *Virginia Gazette* (Clarkson and Davis), October 30, 1779 (opposing assessment).

51 Eckenrode, *Separation of Church and State*, 58-61. James, *Documentary History*, 93-95. Lohrenz, "Virginia Clergy," 306. Ironically, the bill "Concerning Religion" calling for a general assessment for the "Christian" religion was introduced by James Henry, a Presbyterian elder. Thompson, *Presbyterians in the South*, 102. Buckley notes that the doctrinal conditions in the proposed general assessment bill modeled closely those adopted by South Carolina in its new constitution. Buckley, *Church and State*, 174. While the bill would have nominally applied to all Christian sects, it arguably would have precluded the payment of tax dollars to Catholics by mandating the choice of a minister to be the choice of the members of the congregation. Eckenrode, *Church and State*, 59.

and not without success, to suspend the decision from time to time, and leave the matter to be debated the succeeding year. In 1779, all things being now ready for a final vote, the question was settled against the system of a general assessment, and the establishment was finally put down.<sup>52</sup>

“Mr. Saunders, the eminent lawyer of Williamsburgh [sic], says, 'It is manifest, from the history of the day and from the legislative proceedings, that the great majority of the representatives who dissolved Church and State were Episcopalians, and that they clung to the Church as long as they could.'”<sup>53</sup> Necessity dictated the formal end of establishment taxes. (Of course, with Anglicans still holding out hope for a return to some form of es-

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52 Hawks, *Contributions Ecclesiastical*, 152. Hawks added that “The Baptists were the principal promoters of this work, and in truth aided more than any other denomination in its accomplishment.”

53 Slaughter, *Colonial Church of Virginia*, 36. Hening, ed., *Statutes*, X (1779):197-98 (eliminating clergy tax but specifically reserving vestry power over poor tax). Once again, some sense of the intensity of the debates in the House can be gathered from the clipped references in the official journal. See *JHD* (October 16, 1779), 13; (October 25, 1779), 28; (November 4, 1779), 50; (November 5, 1779), 51; (November 8, 1779), 57; (November 15, 1779), 70-71; (November 18, 1779), 76; (November 19, 1779), 79; (November 26, 1779), 89-90; (December 10, 1779), 105; (December 11, 1779), 106; (December 13, 1779), 108.

The extent of change in the political community can be seen by comparing the 1776 Committee of Religion, which Pendleton had tried to configure to prevent substantial reform, to the committee which drafted the repeal of the establishment tax. In addition to George Mason, the 1779 committee included French Strother of Culpeper (who had once freed a Baptist minister from jail by substituting a slave – Slaughter, “History of St. Mark’s Parish,” 84, and Beverley Randolph (who, despite family connections, was no friend to the church establishment). Eckenrode, *Church and State*, 61. Yet, the committee’s work still met resistance. For example, the House struck from the repeal bill approved by the committee George Mason’s Preamble which read: “To remove from the good People of this Commonwealth the Fear of being compelled to contribute to the Support or Maintenance of the former established Church, And that the Members of the said Church may no longer relye [sic] upon the Expectation of any Re-establishment thereof, & be thereby prevented from adopting proper Measures, among themselves, for the Support and Maintenance of their own Religion and Ministers,…” Rutland, ed., *Papers of George Mason*, II:553-54.

establishment and financial support for clergy, passage of Jefferson's famous Bill for Establishing Religious Freedom would have to await the end of the war.) While Lohrenz notes that, given the problems facing Virginia, urgent war legislation took priority in the Virginia House, this simply speaks further to the supreme importance that the General Assembly was forced to place on the religious reforms demanded by the dissenters given the time devoted to the issues in 1779.<sup>54</sup>

While certainly a crucial victory, final repeal of the establishment tax did not end the negotiation of religious liberty between the dissenters and the wartime government. In May of 1780, at a time when the Virginia legislature was grappling with a southern war and the heightened necessity of recruiting resulting from the loss of the Virginia Continental Line at Charleston (a concern soon heightened by the evaporation of the militia at Camden), a Baptist petition from Amelia again objected to restrictions on marriage and vestry laws concerning the poor. The next month the Baptist Association meeting in Spotsylvania County "heartily approve[d]" of the repeal of the establishment tax, but remonstrated for the right of dissenting ministers to solemnize marriages. These Baptists did not forget to remind the Assembly that their search for "equal Religious, as well as civil Liberty" was supported by the fact that they "demean our selves as good Citizens and peaceable Subjects of the Commonwealth." The issue was made more pointedly in the petition from the Sandy Creek Baptists who, in words that Jefferson certainly would have approved, specifically attacked the plea of those who argue that "[i]t is not now a

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54 "Virginia Clergy," 307.

proper Time to proceed to such Affairs, let us first think of defending ourselves.” Invoking the Declaration of Rights, the dissenters suggested that there is no more appropriate time to resolve the matter of religious freedom “than when contending with those who endeavor to tyrannize over us.” In November of 1780, Baptists also asked that the Assembly correct problems arising from continued control of poor laws, and taxation to support those laws, by vestries conformable to the Church of England.<sup>55</sup>

Lest the Assembly forget that continued agitation for religious liberty and material support of the Commonwealth were intertwined, 1780 petitions from Cumberland County began by reminding the Assembly that it is “a fundamental principle of Government that protection and Allegiance are reciprocal.” Showing heightened confidence in their role in the political process, these petitioners went on to attack some Anglican ministers, urging that the Assembly adopt a test oath, which a “true Whig” would never refuse, and that “non-juring preachers” be silenced and their taxes doubled because it appears just that “those who are exempted from Rendering Personal service as Soldiers should yield a Larger proportion of their Wealth.” A Prince Edward petition of the same date was apparently to the same effect. The same matter was taken up by a series of identical petitions from Buckingham County (December 7, 1780). In less than two

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55 Amelia County (May 12, 1780); Spotsylvania County (June 5, 1780); Charlotte County (November 8, 1780). *See also* Rockbridge County (May 20, 1780) (complaining that vestry was not acting to protect the poor). Here again there seems to be somewhat more restraint from Presbyterians, but Presbyterians were not silent. In addition to the Rockbridge petition, the Presbytery of Hanover sent a petition received on April 28, 1780 apparently warning against regulation of religious societies, but the petition is missing. Foote, *Sketches of Virginia*, 332.

weeks, though, Anglicans from Cumberland County responded that the earlier petitions were targeted at Anglican ministers, and they blamed “turbulent & disorderly” New Light Presbyterians. Still, the Anglicans felt it crucial to add that while many Anglican ministers would not take the oath out of conscience – given their oath for the King at ordination – they had given the American cause sufficient evidence of loyalty.<sup>56</sup>

With heightened concerns surrounding the movement of the seat of war to the southern theater and a series of American defeats, the General Assembly again, grudgingly, had to make just enough changes to ensure continued dissenter support. In June, vestries were replaced by overseers of the poor in seven (primarily Presbyterian) western counties. (Replacement of vestries in this function statewide had to await the 1785 session of the General Assembly.) In December 1780 Virginia finally permitted dissenting ministers to perform the marriage ceremony, but required dissenting ministers, unlike Anglican ministers, to obtain a license which was generally restricted to one county and limited the number of dissenting ministers that could perform marriages in any given county.<sup>57</sup> H.J. Eckenrode concludes simply that “[i]n time of war social and political advances are made in a day, especially when military service is the price paid.” Or, as Semple notes, “[t]o resist British oppressions effectually, it was necessary to soothe the

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56 Cumberland County (November 10, 1780) (several identical petitions). Prince Edward County (November 10, 1780). Cumberland County (November 23, 1780).

57 Hening, ed., *Statutes*, X (1780):288-90, 361-63. E.g. Patton, *Triumph of the Presbytery*, 40.

minds of the people by every species of policy. The dissenters were too powerful to be slighted, and they were too watchful to be cheated in an ineffectual sacrifice.”<sup>58</sup>

At the end of the war, religious freedom in Virginia was still substantially hobbled and adoption of Jefferson’s Statute for Establishing Religious Freedom would wait until 1786. Yet, treatment of these issues in the post-war years further demonstrates both the nature of the negotiation that had occurred during the war and the change in the composition of Virginia’s political populace as a result.

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Contrary to claims that religious freedom and disestablishment “came about surprisingly fast,” the petitions and related documents through 1781 evidence an extended and, at the end of the Revolution, incomplete back-and-forth between political leaders and dissenters.<sup>59</sup> While, “[w]ith the possible exception of the Carolinas, dissenters were not strong enough to become a political force in any southern colonial legislature” *per se*, a conjunction of political necessity in the midst of war and “the dissenting clergy[‘s] ... ardor and political pressure” was central to the establishment of religious freedom in Virginia.<sup>60</sup> As the petitions demonstrate, patriot leaders and the various sects entered into a complex conversation which ensured a substantial liberalization of what had been, prior to the war, a strict system of establishment.

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58 Eckenrode, *Separation of Church and State*, 41. Semple, *History of the Baptists*, 45.

59 Tarter, “Reflections,” 355 (quote).

60 Hall, “Southern Dissenting Clergy,” 290, 302.

## Conclusion

From two hundred years later, one tends to see the results of conflict – including the development of religious freedom – but may miss the deep contingency and the extent of the conflict which produced the results, much less the process of change itself. In the case of Virginia, before the war, the political and ecclesiastic establishments were essentially the same; in fact, as the war approached, the strength of the Church of England was growing.

During those pre-war years, dissenters, primarily Baptists and Presbyterians, suffered serious persecution. Distance and time can minimize the extent and importance of that persecution, but this was not a mistake that was likely to be made by dissenters in the latter part of the eighteenth century. Most tellingly, a high proportion of Baptist ministers in Virginia in 1776 had experienced incarceration for preaching. Yet, in spite of their rapidly growing numbers, and in spite of the assistance of some political leaders, the dissenters were unable to obtain significant reforms or improved toleration prior to the war. The notion that the Great Awakening had democratized American colonies, while it has some intellectual appeal, was not evident in the composition or actions of the Virginia House.

The exigencies of war mobilization, however, forced the political establishment not only to engage dissenting sects, and to expand their direct representation to some extent by incorporating new western counties as the war continued, but to partake in a complex and extended negotiation for religious freedom. This result was forced upon the establishment not only by their need to unify Virginia in the face of a war with Britain, but

by the threats from dissenters that they might withhold full support for the war effort.

Only the threat to military mobilization could have moved the establishment to cede its hegemony. Contrary to latter-day historians (and some participants), the change was neither easy nor quick.

The change, however, was monumental. During the war, Virginia had gone from being the colony which most violently protected its church establishment to the most liberal of states in the area of religious freedom; this change was to be finalized and codified in the adoption of Jefferson's Statute in 1786. Yet, if one looks beyond the results to the process by which these changes occurred, the change was monumental in another sense. During the war itself, dissenters participated in the political process in a manner in which they had heretofore been effectively excluded. This process of petitioning and negotiating changed their status. Similarly, the political establishment was forced to expand its concept of the Virginia polity and, in spite of its efforts to turn back the clock in the post-war years, Virginia was changed in an irreversible manner. While nineteenth century sectarian historians were quick to embrace the results – often claiming primacy for their co-religionists as “true” Virginians and Americans because of their patriotic contribution to the war effort – those historians gave less attention to the process, perhaps in an effort to minimize any contingency.

Contrary to Alan Heimert's suggestion that the pre-revolutionary development of the evangelical polity was the source for revolutionary fervor and laid a foundation for the development of early American democracy, in Virginia, it was in the cauldron of the Revolution itself that evangelicals were able to join the polity, thereby democratizing it,



and, with their establishment co-negotiators, creating an environment which produced the post-war development of a vibrant democratic debate on multiple issues. Rather than evangelical religion itself being a well-spring of the Revolution, it was the need of the Whigs for broader support that required them to enlist the evangelicals, leading to a uniquely American development of the modern state, first and most impressively in the development of religious freedom. Democratization in this context then mediated development of every aspect of the young republic.

Perhaps this was part of what Benjamin Rush meant when he wrote “I hope with the history of this folly, some historians will convey to future generations, that many of the most active and useful characters in accomplishing this revolution, were strangers to the formalities of a Latin and Greek education.”<sup>61</sup>

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61 Quoted in Reinhold, “Opponents of Classical Learning,” 230.

### CHAPTER 3: MOBILIZING SUPPORT: DID THE DISSENTERS FIGHT?

*Governor Henry of Virginia has published a proclamation ... recommend[ing] to the clergy of all denominations to stir up the people & incite them to enter in to the service, which they generally comply with most heartily, especially those famously called dissenters & most of all the Presbyterians who have always been furious in the cause....*

Robert Honyman, *Diary, 1776-1782* (March 4, 1777).

Given the negotiations between dissenters and the Virginia political (and religious) establishment for religious freedom in return for dissenters' mobilization in support of the Revolutionary War, the question arises as to whether Virginia's dissenters mobilized effectively as promised and expected. After all, with the dominance of Anglicans in the Virginia political establishment both before and during the war, and the discrimination and persecution that they had visited on dissenters prior to the war, it was far from self-evident that dissenters would fully support wartime mobilization against Britain. This problem was exacerbated by the important role that the crown had played in protecting dissenting interests. One early Baptist historian explained:

It was a serious thing for our Baptist fathers to throw away this refuge [the British Crown], this last hope in many a gloomy day, and trust their religious rights to men who were executing laws full of tyranny up to the commencement of the Revolution. And it was a little difficult to join the same military company with the tax-gatherer who had robbed you by due process of law, the constable who had lodged you or your widowed sister or mother in prison because conscience forbade the payment of a tax to support religion, or the jailer who had put you in the stocks or scourged you for preaching Jesus, or with the justice who had condemned you.

Given the number of dissenters who had been jailed for preaching, yet proved willing to take up arms and fight, this should not be dismissed as mere dramatization. Richard Beeman summarizes the situation: "One might expect that the one area of visible discon-

tent in the Virginia backcountry before the Revolution – the conflict between the evangelicals and the established church – would have caused division in the politics of the Revolutionary movement.” In fact, antagonism among local establishment leaders and dissenters in other colonies often led to loyalism among Americans.<sup>1</sup>

Enlistment records cannot answer the question of dissenter mobilization as eighteenth century enlistment information did not include denomination.<sup>2</sup> Nineteenth century sectarian histories that address various denominations’ participation in the war, while usually emphatic about the triumphal role of their co-religionists, have often been accepted or rejected without careful scrutiny.<sup>3</sup> Still, a careful review of the information and

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1 Cathcart, *Baptist Patriots*, 76. See also *ibid.*, 73 (“The sovereign was a refuge to the Dissenters in any Colony where church and state were united. Time and again the king, in council, had disannulled persecuting laws and released our fathers from odious repression.”). Beeman, “Political Response to Social Conflict,” 237. Butler, *Awash*, 127-30, 205.

2 Even if one were to choose enlistment records from selected counties, see, e.g., *Virginia Military Records*, and to search for the religious affiliation of individual enlistees, the results would likely be, at best, inconclusive: First, all of the units from a particular county would have to be identified and considered since after 1777 some units were recruited based on religious affiliation. Hening, ed., *Statutes*, IX (1777):312. Even if all the units from a county were identified, it is very difficult to identify the religious affiliation of most individuals in this period not only because of data inadequacies, but as noted earlier, many dissenting congregations included three to four times the number of active participants as they did formal members, and many who regularly participated in dissenting services also participated in some Episcopal functions, particularly baptism and communion. Assuming that a substantial share of enlistees and their religious affiliation could be identified, one would still need to compare that to unavailable data on the religious affiliation of the population of the county to assess recruiting by denomination.

3 Virginia Methodists, under the influence of John Wesley’s opposition to the war, see Chapter 5, often pled pacifism to recruiters, and their leading preachers left Virginia to return to Britain very early in the war. Yet even Methodist historians in the nineteenth century took great pains to discuss the patriotic efforts of some of their members. See, e.g., Bennett, *Memorials of Methodism in Virginia*, 136-37. As Irons notes, religious de-

(footnote continued)

available data answers the question of mobilization by denomination and generally confirms the overall impression from the sectarian reports.

It appears from both the anecdotal information and an analysis of available data that Virginia's Baptists and Presbyterians did mobilize in support of the Revolution. Anglican ministers, whose Toryism has often been grossly exaggerated, held many more prominent positions in support of the war effort – with an impressive share of Anglican ministers serving on Committees of Safety, as chaplains or, in a few instances, as high-ranking officers in America's service. Dissenters could not match Anglican efforts in these areas. Yet, the positions that Anglican ministers held were often directly related to pre-war social hierarchies – hierarchies which worked against the placement of dissenters into high-ranking positions and provide further evidence of firm establishment control of the polity as the war began. As the Revolution proceeded, though, Presbyterian and Baptist ministers took on more traditional roles as community leaders, positions historically occupied by Anglican clergy. Many Presbyterian and Baptist ministers preached in support of the Revolution, playing a pivotal role in encouraging their congregations to support mobilization – perhaps the aid most sought after by Virginia's leaders – and, in a number of instances, actually took up arms and fought. Most impressively, a number of Baptist ministers who had personally suffered incarceration and persecution at the hands of the Virginia establishment (and who could have claimed exemption from muster under the expanded religious exemption adopted early in the war) proved willing to fight for the

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(footnote continued)

nomination in the nineteenth century wrapped themselves in patriotic mythology to encourage growth. "The Chief Cornerstone," 31-39.

freedom that they, and their countrymen, sought. Analysis of the data which are available shows that mobilization was at least as strong in Baptist and Presbyterian counties as in counties dominated by Anglicans, by the end of the war, stronger.

This was not the necessary outcome. In North Carolina and South Carolina, and to some extent in Maryland, dissenting populations had also suffered at the hands of the Anglican colonial establishment and paid taxes to support Anglican parishes. As in Virginia, history demonstrated to these dissenters that they could rely more heavily upon Crown officials for the protection of religious toleration than local leaders.<sup>4</sup> Yet, while not facing the extent of discrimination and persecution visited upon their Virginia brethren, dissent in other southern states fathered significant numbers of loyalists and others who worked diligently to maintain their neutrality. The extended dialogue between dissenters and the establishment in Virginia which brought the dissenters into the polity, and the absence of a similar negotiation in the other southern colonies, played an important part in this result. As Beeman noted, while dissenters and Anglicans in both Virginia and North Carolina shared republican principles, “[t]hat shared belief in the ideological abstractions of republicanism, however, is certainly not sufficient explanation for the unity of allegiance within the Virginia backcountry, for Baptists and Anglicans seem to have

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4 William Pauley suggests that such concerns led to loyalism in the South Carolina backcountry: “Frontiersmen, especially from the lower social classes, suspected the low-country politicians and leaned toward loyalism, . . .” Pauley, “Religion and the American Revolution,” 99. Similarly, Catholics were thought to evidence a high degree of loyalism based, in part, on the anti-catholic feeling of indigenous colonial leaders before the war, for example in the response to the Quebec Act. Hanley, *American Revolution & Religion: Maryland*, 37.

shared the principles of republicanism in the Carolina backcountry as well, yet unity obviously did not automatically follow.”<sup>5</sup>

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In Virginia, the virtually universal patriotism of Baptists and Presbyterians was trumpeted by sectarian sources almost immediately from the time the war was over. In complaining of the incorporation of the Protestant Episcopal Church in 1784, the Hanover Presbytery declared “we shun not a comparison with any of our brethren for our efforts in the cause of our Country, ... and therefore esteem it unreasonable that any of them should reap superior advantages for, at most, but equal merit.” Early Baptist historians were fond of recounting Virginia Baptists’ unequaled role in winning the war. Robert Howison said “[n]o class of the people of America were more devoted advocates of the principles of the Revolution, none were more willing to give their money and goods to their country, none more prompt to march to the field of battle, and none more heroic in actual conflict than the Baptists of Virginia.” Robert Howell, in *The Early Baptist of Virginia*, agreed: “not a Baptist could be found in Virginia, minister or layman, who did not espouse, and at every sacrifice and to the last extremity defend, the cause of liberty.”<sup>6</sup>

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5 Beeman, “Political Response,” 237-38. Beeman is too kind to the Virginia establishment when he concludes that “[t]he evangelicals, particularly the Baptists, faced an essentially similar experience in both the Carolina and Virginia backcountries.” *Ibid.*, 225. Dissenters in the Carolinas did not face the rash of imprisonments suffered in Virginia and, generally, other difficulties that they faced were considerably milder than those in Virginia.

6 Miscellaneous Petitions (May 26, 1784). Howison, *History of Virginia*, II:170. Howell, *Early Baptists of Virginia*, 78.

Sectarian historians' broad, subjective claims must be taken with some care. After all, similarly broad claims, not supported by the evidence, were sometimes made for Presbyterians and Baptists throughout America.<sup>7</sup> In seeking evidence as to whether Virginia dissenters delivered the support that Anglican leaders sought in their extended negotiations – or that claimed by their early scribes, several sources can be considered: First, many historians have focused on the role of denominational clergy in supporting the war and, given the centrality of clergy in eighteenth century congregations, this is generally a reasonable means to assess denominational mobilization. The effort of dissenting ministers in support of the war, including their political support, their willingness to fight (or act as chaplains) and their willingness to preach mobilization, should be considered. The latter may be particularly relevant to the question of whether Virginia dissenters responded positively to a bargain with establishment leaders for the liberalization of religious freedom.

Second, available data permit an analysis of the extent to which various Virginia counties, with some or substantial Baptist or Presbyterian presence, responded to requis-

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7 The Presbyterian Synod of New York and Philadelphia, for example, sent a pastoral letter in May of 1784 claiming “the general and almost universal attachment of the Presbyterian body to the cause of liberty.” “Presbyterians and the Revolution,” 127-28. Thompson notes that the Scotch-Irish Presbyterians supported the Revolution “almost to a man,” albeit later conceding more realistically that “Presbyterians, other than the Scots, for the most part gave the Revolutionary War their full support.” Thompson, *Presbyterians in the South*, 88, 93. See also, e.g., Smylie, ed., “Presbyterians and the American Revolution.” One early Baptist historian, ignoring loyalism in the Carolina backcountry, concludes that “we have no record of so much as one thorough Baptist story [sic].” Armitage, *History of the Baptists*, 2:326. See also Cathcart, *Baptist Patriots*, 68-69.

tions of troops and supplies. These data can be compared to information on Anglican counties to provide a relative comparison of mobilization.

Third, the patriotism of dissenters in Virginia can be compared to the loyalism demonstrated by a substantial number of dissenters in other southern colonies. While many factors influenced the decisions of communities or individuals to support or oppose the patriot movement, and it would be error to suggest that all dissenters in North and South Carolina and Maryland, or even a very large share, were loyalists or that all dissenters in Virginia supported the patriots, a relative difference in the reaction of dissenters in these states justifies a comparison.

Each of these analyses supports the general conclusion that, in fact, Virginia's dissenters mobilized to provide the support for the war effort which was sought by Virginia's Anglican leaders as part of the negotiation of religious liberty. This support, in turn, is further evidence of the interaction between the dissenters and establishment concerning mobilization.

### **Clergy Mobilization**

A number of studies have considered the patriotism (or loyalty to Britain) of the clergy as a surrogate for the mobilization of members of their denomination. Given the prominence of eighteenth century clergy, their activity often provides a reasonable means to assess mobilization of their congregations, although assuming a congruity between the action of the clergy and the laity poses a much greater problem in the case of Anglican



ministers who swore an oath of loyalty to the king as part of their ordination.<sup>8</sup> Reviewing ministers' actions, though, is made more difficult by the relative lack of journals, letters and sermons from dissenting ministers. Baptist ministers, in particular, were largely un-schooled, making analysis of their support for the Revolution particularly difficult.<sup>9</sup> Further, at least some dissenting ministers claimed to eschew a political position for religious reasons: "[T]he Baptist pulpit was not generally used for political purposes." Still, available information shows a pattern of dissenting ministers supporting the war; while Anglican ministers tended to be better represented in high-ranking political and military posi-

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8 *E.g.* Ebinger, "Role of the Clergy," 1-5 (importance of clergy as opinion leaders). While conventional wisdom has grossly overstated the Toryism of Anglican ministers – *e.g.*, Sweet, "Role of the Anglicans," 62; Hawks, *Contributions to the Ecclesiastical History*, 1:136-37 ("In Virginia and Maryland about two-thirds of the clergy were loyalist."); Anderson, *History of the Church of England*, 3:167 (2/3 of Virginia parsons loyalists), cited in Nelson, *Blessed Company*, 461 n. 27 – there is no doubt that they had a much greater tendency to be loyalists than other colonial ministers or their own congregations. In addition to their oath, unlike their Baptist and Presbyterian counterparts, at the time of the Revolution a substantial share of Anglican clergy were British natives. *Ibid.*, 105. Anglican Toryism was also harder to hide as, by the middle of 1776, Virginia required an oath to support the Commonwealth from clergy holding parish rectorships. Anglicans also faced mandated changes to their Prayer Book (*e.g.*, eliminating prayers for the king) necessitating public action in support or opposition to the patriot movement. Brydon, *Virginia's Mother Church*, II:416. By the end of 1777, all males above the age of 16 were, in theory, subject to an oath of allegiance. Hening, ed., *Statutes*, IX:281. Yet, this was often honored in the breach, particularly in western counties. *See, e.g.*, Evans, "Trouble in the Backcountry," 179 *et seq.*

9 There was not a single "college-bred man" among the Baptist ministers at the time. Newman, *History of the Baptist Churches*, 303-04. Published collections of revolutionary sermons have very limited entries from Virginia, much less from Virginia's dissenting population. *See, e.g.*, Sandoz, *Political Sermons of the American Founding Era*, 2 vol.; Williams, ed., *Revolutionary War Sermons*; Thornton, *Pulpit of the American Revolution*. Several sources were intentionally destroyed; for example, the well-known Presbyterian minister James Waddell ordered the destruction of his sermons. Terman, "American Revolution," 253, citing Alexander, "Rev. Jas. Waddell, D.D.," 126, 134-38.

tions during the Revolution, the prevalence of dissenting ministers in the military, especially given exemptions from muster for dissenting ministers after 1775, is telling.<sup>10</sup>

Loyalists: Most studies have begun (and many have ended) by seeking to identify the share of the clergy of each denomination that were loyalists.<sup>11</sup> For comparative purposes, this is a relatively easy but unhelpful analysis. In fact, as the sectarian histories urge, there are no recorded instances of loyalists among the Virginia Baptist and Presbyterian clergy.<sup>12</sup> For reasons discussed above, a substantial number of Anglican clergy

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10 Terman, "American Revolution," 172. Compare Hening, ed., *Statutes*, VII (1757):93 (exempting Church of England ministers from militia muster); IX (1775):28 (all ministers exempt), 89 (exempting only ministers "licensed" by the General Court or their society: a requirement that might prove troublesome for some Baptists); IX (1777):267 (requiring oath for exemption but clarifying licensing requirement).

11 One key factor in evaluating the relative role of various denominations' clergy is determining the number of clergy from each denomination. Lohrenz concludes that, at the time of the Revolution, Virginia had 129 Anglican clergy, 40-50 Presbyterian and more than 100 Baptists. Lohrenz, "Virginia Clergy," 19, 23 n. 6, 400. This perhaps slightly overestimates the number of Anglican clergy (including, e.g., John Milner who returned to New York in 1770 and several Maryland rectors) and significantly underestimates at least the Presbyterian clergy. Rhoden also seems to overestimate a bit, citing a figure of 130 Anglican ministers in Virginia from 1775 to 1783. Rhoden, *Revolutionary Anglicanism*, 89. Terman lists by name 93 Baptist clergy ministering in Virginia during the revolutionary period and 86 Presbyterian. Terman, "American Revolution," Table 1, 331 *et seq.*, Table 3, 352 *et seq.* Terman, though, lists 16 Presbyterian clergy who left Virginia before the war began or began their formal ministries in the Presbyterian Church after the war. Based upon the sources and identified problems with their assumptions, a reasonable comparison can be made using an estimate of 125 Anglican ministers, 100 Baptist, and 75 Presbyterian in Virginia at the time of the Revolution.

12 Terman, suggests that there was one loyalist Presbyterian minister in Virginia, Alexander Miller, but Miller had been deposed by 1765 for misconduct. Terman, "American Revolution," 279. Part of the Virginia Baptist claim to untarnished patriotism depends upon Baptist disassociation with a group of pacifist Baptists from the Shenandoah Valley, led by the Reverend Martin Kaufman who had a Mennonite background. Leland, *Virginia Chronicle*, 18. A Baptist minister in Culpeper, John Koontz, also opposed the war on theological grounds. Lohrenz, "Virginia Clergy," 253. Pacifism, however, cannot be equated with Toryism. Others point out that the famed Baptist historian Morgan

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were loyalists. Otto Lohrenz concludes that 31 of Virginia's Anglican ministers showed, at some time, disapproval of Revolution. William Parks and R.S. Thomas suggest a much lower rate of loyalism, but their analyses are probably somewhat too sympathetic to Anglican interests.<sup>13</sup> Based upon various studies, and attempting to account for their biases, a reasonable estimate is that between 50% and 75% of Virginia's Anglican ministers supported the patriot movement; loyalists accounted for 15-30%, with the remainder

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Edwards was a Tory, but, while Edwards toured Virginia extensively prior to the war, he was not a Virginia minister. Benedict, *General History of the Baptist*, II:296-300.

13 Lohrenz, "Virginia Clergy," 22-23. Lohrenz concludes that there were 22 neutrals and 52 active supporters of the patriot movement among the Anglican clergy. Eleven ministers were "irresolute ... both Tories and Whigs at different stages during the Revolution," but Lohrenz conservatively classifies these as loyalists. Lohrenz explains that 19 of the clergy from his count died, two were actually Maryland clergy, two were removed for immorality and the loyalty of one, the Reverend Arthur Hamilton, cannot be determined. *Ibid.*, 400. Lohrenz's "irresolute" ministers, many of whom supported the patriot movement initially but tired of the war and the demand for independence, might be classified as patriots or neutrals. Lohrenz also does not include as a patriot the Reverend Archibald Campbell, who supported the patriot position but died in 1775. *Ibid.*, 114. As noted below, Lohrenz is more accommodating in the case of Baptist and Presbyterian ministers. Rhoden's analysis of loyalism is of the same general order (28 loyalist Anglican clergy, 58 who supported the patriots and 44 neutral). Rhoden, *Revolutionary Anglicanism*, 89. Rhoden is a bit less conservative on the "irresolute" clergy; recognizing the problem of shifting loyalties over time, she bases her analysis on ministers' overall position during Revolution. *Ibid.*, 180 n.3. Parks, "Religion and the Revolution in Virginia," 53, found that of 105 Anglican clergymen in Virginia in 1776, only 15 have been shown to be Tory; seventy signed an Oath of Allegiance (although 5 changed their minds later). Thomas also thought that Anglican clergy's loyalism has been grossly overstated, arguing that of 85 Anglican clergy whose position on the war can be determined, 78 were patriots. Thomas, *Loyalty of the Clergy*, 5-14. Thomas, however, tends to assume loyalty to Virginia in some ambiguous cases. Brydon notes 19 Anglican ministers "disappeared" from public record after the establishment salary was eliminated and that they may be loyalists unwilling to take oath or may simply have had to make a living, some were elderly and retired or died. About 70 declared loyalty to the American side. Brydon, *Virginia's Mother Church*, II:420-21.

neutral. In any case, while the extent of Anglican loyalism has often been overstated, there is no doubt that loyalism among Baptist and Presbyterian ministers in Virginia, even if not nonexistent, did not begin to approach Anglican numbers. Lohrenz notes that

[t]he Presbyterian ministers of America generally were noted for their patriotism during the war. The Reverend Charles Inglis, the outspoken Anglican Tory rector of New York's Trinity Church, reported with disgust that he did not know of a single Loyalist Presbyterian minister "nor have I been able after strict inquiry, to hear of any, who did not, by preaching and every effort in their power, promote all the efforts of the congress, however extravagant." The Virginia Presbyterian clergymen were virtually un-animously Whig in sentiment.<sup>14</sup>

Similarly, Virginia Baptist clergy "were virtually unanimous in their support of the Revolutionary War. There were no Tories in their groups although a few of the ministers opposed the war on theological grounds."<sup>15</sup>

Still, looking to loyalism of the clergy is likely to be a poor surrogate for mobilization of a denomination. Anglican ministers had taken loyalty oaths to the king and many of them were born in Britain. In this regard, the Anglican clergy are simply not representative of the laity. Nonetheless, other evidence of active involvement in political

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14 Lohrenz, *Virginia Clergy*, 222-23, quoting Inglis from Gaustad, *Historical Atlas of Religion*, 21. Lydekker, *Life and Letters of Charles Inglis*, 158.

15 Lohrenz, "Virginia Clergy," 253. While there are no known actively tory Presbyterian or Baptist ministers in Virginia during the Revolution, some overstate dissenting ministers' support of the patriot movement by concluding that a silent record for a dissenting minister suggests whiggism. Lohrenz notes, for example, that there were seven Presbyterian ministers in Virginia "who apparently were Patriots but the records credit them with no specific acts." He concludes that scores of Baptist ministers "have not been credited with any specific patriotic acts, but there is no doubt that they upheld the American side in the war to greater or lesser degrees." *Ibid.*, 275. The same conclusion in the case of Anglicans is eschewed by Lohrenz. Compare Terman, "American Revolution," 6: "it is safe to assume, on the basis of the argument from silence, that Presbyterian and Baptist clergymen had a prominent role in the internecine but necessary conflict."

affairs, preaching and mobilization in support of the Revolution, while showing the dominant place of Anglicans in the pre-war social hierarchy, also demonstrates at least as effective mobilization by Baptists and Presbyterians.

Committees of Safety: A very substantial portion of Virginia's Anglican ministers were elected to serve on the various county Committees of Safety during the early years of the war, a far higher share than in the case of Presbyterians and Baptists. Nancy Rhoden notes that Committees of Safety in Virginia included 23 Anglican ministers. Lohrenz provides a more detailed review finding that 25 Anglican ministers were elected to county committees; three declined (apparently as latent tories); of the 22 who served, 18 played particularly active roles. Assuming 125 Anglican ministers at the beginning of the war, this suggests that over 17% served on county committees. These Anglican ministers were serving on the Committees in 20 of 60 Virginia counties. This is a remarkably high participation rate for clergy in the political committees which controlled Virginia in the early days of the Revolution.<sup>16</sup>

While some dissenting ministers served on various county committees, the dissenters could not begin to match the Anglican contribution either in absolute terms or in

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16 Rhoden, *Revolutionary Anglicanism*, 92. Lohrenz, "Virginia Clergy," 163, 30-31, 44-45, 74. The basis for Lohrenz's conclusion that Lewis Gwilliam did not accept his position on the Pittsylvania Committee of Safety is unclear as the newspaper that he cites, *Virginia Gazette* (Dixon & Hunter), February 11, 1775, s2:3, simply lists Gwilliam's name among the Committee. By 1777, Gwilliam was questioned as to loyalty, as Lohrenz notes. Others conclude that Gwilliam took his position on the Committee and fell from favor later. Hurt, *Intimate History*, 61-62. Some Anglican ministers initially supported the patriot movement, even as members of Committees, but would not support the patriots' cause after the Declaration of Independence, e.g. Thomas Hall, elected chairman of the Louisa Committee. Lohrenz, "Virginia Clergy," 90. Parks, "Religion and the Revolution," 53.

terms of a percentage of their ministers. Presbyterian ministers served on the county Committees in Bedford (David Rice), Fincastle (Charles Cummings, chairman), Louisa (John Todd), Prince Edward (Richard Sankey and Samuel S. Smith) and Washington County (Charles Cummings, chairman, after the formation of Washington County in 1777).<sup>17</sup> Reuben Ford, in Goochland County, was apparently the only Baptist minister to serve in this capacity.<sup>18</sup> Had the Presbyterian and Baptist ministers participated on Committees at a level comparable to that of the Anglicans, there would have been 17 Baptist committee members and 13 Presbyterian.

Yet, this evidence does not support any negative inference concerning mobilization by Virginia dissenters. Given the social and political position of dissenters and Anglicans before the war, and eighteenth century social hierarchy, it should be no surprise that proportionally more Anglican ministers served on the Committees in the early days of the conflict. Moreover, the Committees, whose primary functions were replaced by the time of the 1776 Virginia Constitution, were active during a period when dissenters' claims for religious freedom – and concomitant promises to support the Virginia leadership – were only beginning to obtain a favorable hearing from the establishment. This evidence, if anything, suggests that in this early period of the war Anglicans continued to dominate the political system, that many of Virginia's leaders continued to hold dissen-

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17 Lohrenz, "Virginia Clergy," 236-37; Smylie, "From Revolution to Civil War," 48; Sprague, *Annals of the American Pulpit, Vol. III, Presbyterians*, 287; Thompson, *Presbyterians in the South*, 93-94.

18 Lohrenz, "Virginia Clergy," 265. (Thomas wrongly concluded that no Baptists served on the Committees. *Loyalty of the Clergy*, 18.)

ters at arm's length and that republicanization of the polity had to await the revolutionary conflict – and negotiation over religious liberty.

Chaplains and Surgeons: As with Committees of Safety, in Virginia, Anglican ministers dominated the prestigious positions of chaplains and surgeons. Such appointments certainly evidenced support of the patriot cause, but the relative absence of dissenting ministers is, again, more indicative of pre-war social hierarchy (and lack of formal education in the case of Baptists) than lack of support for mobilization by dissenters.<sup>19</sup>

Lohrenz lists 18 Virginia Anglican ministers as chaplains (15 military, 3 legislative).<sup>20</sup> There were a number of Presbyterian chaplains – including Amos Thompson, Philip Vickers Fithian, Charles Cummings, Andrew Hunter, Joseph Rhea, Robert McMordie, and Daniel McCalla – but still proportionately less than the Anglicans. Several Baptist ministers did visit military camps specifically to preach to Baptist recruits, but none appear to have been formally appointed as chaplains.<sup>21</sup> Still, as one historian

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19 Thom concludes: “Of course, these positions [chaplains] would go to the clergy of the Establishment, ten shillings a day and all. The Baptists could hardly hope to get any of the appointments, nor does there seem to be any evidence that they tried to do so at this time.” *Struggle for Religious Freedom*, 51 (527).

20 Lohrenz, “Virginia Clergy,” 218. See also Applegate, “Anglican Clergy Serving the American Revolutionary Army,” 140 (listing 10 Virginia Anglican chaplains).

21 Lohrenz, “Virginia Clergy,” 239-40; Terman, “American Revolution,” 236-41, 357. Several of the chaplains listed by Terman had only been itinerants in Virginia. Others, who clearly did not begin their ministry until after the war, are not included on this list. Among the Presbyterian chaplains, Thompson, at least, was apparently quite familiar with pre-war maltreatment of dissenters; reportedly Thompson, a very large man, had been called upon on occasion before the war to discourage interruptions of dissenters' services. *Ibid.*, 241 citing Alexander, *Princeton College*, 68-69. Moore, “Jeremiah Walker in Virginia,” 727 (after 1775 legislative action, Walker preached to troops in southern Virginia but abandoned the effort for lack of response).

notes of chaplains in the war: "A vast number were appointed more for their outside general influence, than because they were earnest, self-denying ministers of God." Similarly, with respect to surgeons, at least two of Virginia's Anglican ministers filled the role. There is no indication of Virginia dissenting ministers serving in this capacity.<sup>22</sup>

Enlisting: There are certainly well-known instances of Virginia clergy taking up arms and, on occasion, leading their congregations to war. Most famously, Peter Muhlenberg, an Anglican minister from the Valley, was appointed colonel of the Virginia Eighth (German) Regiment and rose to Major General. As his last clerical function, on January 21, 1776, Muhlenberg is said to have preached a sermon based on Ecclesiastes 3:1-8 ("There is a time for everything, and a season for every activity under heaven: ... a time for war and a time for peace") and concluded by removing his clerical robes to reveal his uniform and ordering a drummer to beat for an enlistment to begin on the spot.<sup>23</sup>

Several other Anglican ministers also provided military service. Charles Thurston of Frederick County was a colonel. James Madison, uncle of the future president, orga-

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22 Headley, *Chaplains and Clergy*, 58 (quote). Lohrenz, "Virginia Clergy," 163.

23 Baldwin, "Sowers of Sedition," 72; Muhlenberg, *Life of Major-General Peter Muhlenberg*; Headley, *Chaplains and Clergy*, 123-24. Some question the details of this oft-repeated story, see Wust, *Virginia Germans*, 80, but its long lineage and absence of contradictory statements early on suggest that it has at least some validity. Muhlenberg preached to Valley Lutherans, but he was also ordained by the Bishop of London so that he might become rector of the parish church in Dunmore (later Shenandoah) County. As a result, both the Anglicans and Lutherans claim Muhlenberg as one of their own. Rhoden refers to Muhlenberg as "an Anglican minister of Lutheran heritage...." *Revolutionary Anglicanism*, 65. Headley says Muhlenberg's call to a church in Virginia is why he took ordination from the Bishop of London. Headley, *Chaplains and Clergy*, 122. It seems most accurate to consider Muhlenberg an Anglican, not only because of his formal position as parish rector but also because he was apparently never formally ordained in the Lutheran Church. Nelson, *Blessed Company*, 102.



nized students at William & Mary into a militia and saw active service as a captain during several raids. Samuel McCroskey, Isaac Avery and Benjamin Sebastian served in some military capacity. Adam Smith of Botetourt Parish was a private soldier in a campaign against the Cherokee. In addition, Robert Andrews gave up his position as an Anglican rector to support his family, becoming initially a chaplain and then a major-general of militia during the Yorktown Campaign.<sup>24</sup>

Neither Baptist nor Presbyterian ministers could match the rank of Anglican ministers serving in the military, again evidencing the social rank of Church of England ministers before the war and Anglican control of the polity. The total extent of dissenting ministers' military service, however, provides a very different picture. Baptist ministers, in particular, appear regularly on the rolls; especially interesting is the number of Baptist ministers willing to serve even though they had personally suffered persecution at the hands of the establishment. The willingness of dissenting ministers to serve, even when not (perhaps especially when not) commissioned as officers, likely played an important part in encouraging mobilization among dissenting congregations. The impact of clergy enlistment on their congregations was likely also enhanced by the 1775 expansion of exemptions from militia muster to include dissenting ministers licensed by their own societies. In fact, while Anglican ministers who enlisted tended to dissolve their clerical ties (with Muhlenberg being the most famous example), Baptists and Presbyterian ministers who took up a weapon to fight along side their congregants seemed to establish a new

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24 Meade, *Old Churches*, 1:323-25. Thomas, *Loyalty of the Clergy*, 8. Lohrenz, "Virginia Clergy," 199 *et seq.* Brydon, *Virginia's Mother Church*, II:418, 421, 423, 433-34 n. 15.

level of authority and prestige in the community (as subsequent sectarian histories and biographies demonstrate).

Several Presbyterian clergy are known to have served in the military during the Revolution, although, given the dominance of Presbyterians in the Valley, a substantial share of the recorded service of Presbyterian ministers was in the various campaigns against the Indians or involved short-term militia service, for instance when Banastre Tarleton threatened the Valley in 1781 after surprising Jefferson and the Virginia General Assembly in Charlottesville. Charles Cummings, sometimes referred to as the "fighting parson of Fincastle County," engaged in fighting Indians during the war and served as a chaplain on the 1776 expedition against the Cherokee. William Graham, rector of Liberty Hall (the predecessor of Washington & Lee University), served as captain for his congregation (Timber Ridge and Hall's Meeting House). John Blair Smith was captain of students at Hampden-Sydney Academy. John Todd is listed as a colonel in the Louisa militia and Benjamin Erwin as an ensign in Rockingham. It is not clear, however, that any of these latter four participated in active duty. (John Blair Smith, for example, mustered twice with the militia early in the war, but saw no service; when he hurried to join Prince Edward militia that had marched to meet Nathaniel Greene at Guilford Court House in 1781, he arrived at an evening encampment late and with badly blistered feet; he was advised by military officers that he would serve his country best by returning to his pulpit and exhorting in favor of the war effort.) Several other Presbyterian clergy apparently also had at least some military service during the war, including Samuel Doak, John McMillan, and James Mitchel. A number of Presbyterian ministers served infor-

mally in 1781 when Tarleton threatened the Valley, including William Graham, Archibald Scott, James Waddell, and John Brown.<sup>25</sup>

In comparison to either the Anglicans or Presbyterians, a large number of Baptist ministers provided active military service. Most notably, nine Baptist ministers who had suffered significant persecution for their pre-war preaching served during the Revolution. William McClanahan, a Baptist minister who had suffered incarceration (and uncle of the future Chief Justice Marshall), formed a company of the Culpeper Minutemen. The Reverend David Barrow, who had been seized and dunked in response to his preaching, served in the army.<sup>26</sup> Joseph Anthony, who had also suffered imprisonment, served as an officer. Jeremiah Moore, who had been jailed and attacked by a mob led by a magistrate, served as a corporal. John Burruss (imprisoned Caroline), John Shackelford (imprisoned Essex and King & Queen), John Young (imprisoned Caroline), John Weatherford (imprisoned Chesterfield), William Webber (imprisoned Chesterfield and Middlesex) and John Corbley (imprisoned Orange and Culpeper) served. Ambrose Dudley, a Separate Baptist

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25 Baldwin, "Sowers of Sedition," 72. Headley, *Chaplains and Clergy*, 275; Hall, "Southern Dissenting Clergy," 246-47 (Cummings' prominent role in repulsing Cherokee attacks of 1776 which were encouraged by the British). Foote, *Sketches of Virginia*, 412; Sellers, "John Blair Smith," 207. Sprague, *Annals of the American Pulpit*, vol. III, *Presbyterians*, 287. Thompson, *Presbyterians in the South*, 94. Lohrenz, "Virginia Clergy," 241-44. Terman, "American Revolution," 352-62.

26 Riley, *History of the Baptists in the Southern States*, 91; Lohrenz, "Virginia Clergy," 266. "Elder McClanahan, a Baptist minister from Culpeper County, raised a company of soldiers for the Continental service mainly from the members of Baptist churches." Howe, *Historical Collections*, 238. Baldwin, "Sowers of Sedition," 72. Riley, *History of the Baptists in the Southern States*, 92. Taylor, *Baptists on the American Frontier*, 245 n. 277. Semple, *History of the Baptists in Virginia*, 282.

preacher, became a captain in the Virginia Line. Lewis Conner, John Courtney, Robert Murrell, William Cave and William E. Waller also had active service.<sup>27</sup>

In general, neither Presbyterian nor Baptist ministers could match the military rank of the Anglican ministers; the continued strength of the pre-war establishment made Anglican appointment to high-ranking positions particularly likely. On the other hand, the participation of Baptist and Presbyterian ministers in the military, including at least nine Baptists who had personally suffered persecution, suggests that dissenting ministers, as they had promised, responded strongly to calls for mobilization. The extensive participation in the military by Baptist ministers, particularly as enlisted men, inevitably served as a forceful exhortation to their congregants. In describing David Barrow's service, for example, Semple explains that "[i]n the time of the Revolutionary war Mr. Barrow was a warm Whig. He exhorted his countrymen to face the enemy and shake off the yoke of

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27 Hall, "Southern Dissenting Clergy," 243. Lohrenz, "Virginia Clergy," 269-71. Terman, "American Revolution," 186-90, citing, inter alia, Taylor, *Virginia Baptist Ministers, in Two Series*. Moore, "John Weatherford," 365, citing *The Religious Herald*, March 15, 1833. Taylor, *Baptists on the American Frontier*, 245 n. 278 (Dudley). Simpson, *Virginia Baptist Ministers, 1760-1790*, 10, 44 and 69. Rennie, "Crusaders for Virtue," 262, lists Burrus as a non-preacher. Little explains that Burrus was a licensed preacher, although not ordained at the time. Little, *Imprisoned Preachers*, 247. Again, secondary sources often make broad claims. Thom reported that "John Gano and a number of other Baptist preachers are mentioned as being in active service; an increasing number of officers were or became Baptists as the war went on, and the rank and file was full of Baptist soldiers from the very beginning. Washington's testimony is given in his letter cited farther on." Thom, *Struggle for Religious Freedom*, 49 (525). In fact, Washington's praise of Baptist loyalty, while fulsome, falls far short of Thom's characterization. See Semple, *History of the Baptists*, 487-89.

British bondage. He set them the example. When dangers pressed, Mr. Barrow voluntarily shouldered his musket, joined the army and was found ready for the field of battle.”<sup>28</sup>

Recruiting/Preaching Mobilization: Virginia’s political establishment probably saw the most useful role for dissenting clergy in exhorting congregants to support the war. Community leaders’ support of enlistment and provision of material support was central to Virginia’s ability to mobilize. There is some indication that it is precisely this support which establishment leaders were seeking as they liberalized restrictions on religious liberty. While it is difficult to measure such efforts, particularly given the dearth of sermons or other papers from Virginia’s dissenting ministers during this period, the evidence suggests that as the dialogue with the Virginia political leadership continued dissenting ministers took extra pains to encourage support for mobilization. Edmund Randolph, for example, noted that dissenting ministers’ experience particularly suited them to recruiting. “The Presbyterian clergy were indefatigable. Not depending upon the dead letter of written sermons they understood the mechanism of haranguing and had often been whetted in disputes on religious liberty so nearly allied to civil.” Presbyterian Caleb

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28 Semple, *History of the Baptists in Virginia*, 282. It appears unlikely that the extensive service of dissenting ministers was attributable to any difference in militia exemptions between Anglican and dissenting ministers. In July 1775, the Convention exempted “all clergymen and dissenting ministers.” Hening, ed., *Statutes*, IX (1775):28. By December, this was modified to require dissenting ministers to be licensed by either the court or the society to which they belonged. *Ibid.*, 89. While the added requirement for dissenters might have required some effort for Baptists, it would not appear to have inhibited a dissenting minister who seriously sought exemption. By 1777, an oath was also required of a minister seeking exemption. *Ibid.*, IX (1777):267. See generally Alexander, “Exemption from Military Service,” 166, although Alexander misses the December 1775 revision.

Wallace considered joining the service as a military chaplain, but concluded that he was more useful staying at home to encourage support.<sup>29</sup>

In February of 1777, shortly after dissenters were exempted from establishment taxes, Governor Patrick Henry issued a proclamation seeking to improve recruiting for the Continental Army. In that proclamation, he specifically called upon county lieutenants and all officers of the state and asked “the clergy of every denomination, to exert in their several stations that influence which they possess over the people.” Contemporaries believed this call was directed particularly to, and taken up by, dissenting ministers. Dr. Robert Honyman recorded in his diary that

Governor Henry of Virginia has published a proclamation abolishing the scheme of raising volunteer companies it is thought to be a hindrance to the recruiting men for the regular regiments; among other things in the proclamation he recommends to the clergy of all denominations to stir up the people & incite them to enter in to the service, which they generally comply with most heartily, especially those famously called dissenters & most of all the Presbyterians who have always been furious in the cause....

Others agreed with Honyman’s assessment. Nicholas Cresswell, an English traveler in Alexandria recorded in 1776 that “[t]he Presbyterian Clergy are particularly active in supporting the measures of Congress from the Rostrum, gaining proselytes, persecuting

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29 Randolph, *History of Virginia*, 194. *Presbyterians in the South*, 94. Similarly, Wallace to James Caldwell, April 8, 1777, in Whitsitt, *Life and Times of Judge Caleb Wallace*, 40. As noted above, when Virginia recruits were marching to reinforce Nathaniel Greene before the Battle of Guilford Courthouse, John Blair Smith was convinced to abandon the march as he could best serve the cause as an exhorter at home. Foote, *Sketches of Virginia*, 412. Smith was considered one of the best recruiters in the state according to Thompson. See also Lohrenz, “Virginia Clergy,” 248.

the unbelievers, preaching up the righteousness of their cause and persuading the unthinking populace of the infallibility of success.”<sup>30</sup>

The Baptists played a similar role. When the Baptists in 1775 petitioned the House of Delegates and specifically declared that the war was “just” and their members free to enlist, “they tendered the services of their pastors in promoting the enlistment of the youth of their religious persuasion.” Reportedly James Madison often later recalled that the Baptists “when hope was sinking ... declared that the tenets of their religion did not forbid their fighting for their country, and that the pastors of their flocks would animate the young of their persuasion to enlist for battles.”<sup>31</sup>

This special role for dissenting ministers is also documented in government papers. In January 1778, “Mr. Jeremiah Walker of the Baptist Society” was approached by Governor Henry, with the concurrence of the council, to use his influence with the Baptists to increase enlistments. Henry’s decision to turn to Walker is significant. First, not only had Walker been heavily persecuted (jailed in Chesterfield, fought in James City, sued in Lunenburg – see Appendix A: Persons Persecuted for Religion: 18th Century Virginia, post-1763), but Walker also played a key role in drafting and presenting the

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30 *Virginia Gazette* (Purdie), February 21, 1777. Robert Honyman, *Diary, 1776-1782* (March 4, 1777), 115-16. Macveagh, ed., *Journal of Nicholas Cresswell*, 165. Honyman goes on to note the critical importance of this effort, explaining “[h]owever the people are very backward to engage in the service, though I believe there are nearly men enough raised to compleat [sic] the 6 new Continental regiments, yet it appears they cannot raise the 3 Colonial regiments; & though the country swarms with recruiting officers from the northward to fill up the old regiments, they seldom get one man to enlist.” Robert Honyman, *Diary, 1776-1782* (March 4, 1777), 116.

31 Hawks, *Contributions to the Ecclesiastical*, 138. Barbour, “Oration of the Life, Character, and Services of James Madison,” quoted in James, *Documentary History*, 60.

Baptist petitions seeking improved religious liberty. Benedict explains that Walker was “very influential, and indeed all-powerful in Associations and other places among the Baptists,” and that he “had a principal hand in drafting for the Baptists their petitions and remonstrances to the Virginia Assembly; he also took an active and successful part in supporting them in the House.” In 1778, Walker and Elijah Craig were appointed by the Baptist General Association to lay grievances (especially opposition to a proposed general assessment) before the Assembly.<sup>32</sup>

Other sources simply note the active role that dissenting ministers played in enlisting recruits, including the efforts of John Blair Smith, William Graham, Caleb Wallace, Jeremiah Walker, William McClanahan and Elijah Craig. David Rice, a Presbyterian minister and member of the Bedford County Committee of Safety, preached sermons that “opposition to the claims of the British Parliament are very just and important.... resistance is justified by the laws of God and the dictates of common sense....” Presbyterians John Brown, Archibald Scott and James Waddell urged support for the war. Charles Cummings also “contributed much to kindle the patriotic fire which blazed forth so brilliantly among the people of Holston in the Revolutionary War.” Semple notes that the Baptist minister Daniel Marshall “was unremitting in his patriotic appeals in behalf of

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32 McIlwaine, ed., *Journals of the Council of the State of Virginia*, II:74, January 28, 1778. Benedict, *General History of the Baptist*, II:390-92. See also Moore, “Jeremiah Walker,” 719 (“Jeremiah Walker was probably the most popular and eloquent eighteenth century Separate Baptist preacher in Virginia.... [H]e penned a number of their [Separate Baptists’] petitions and memorials to the General Assembly.”). Newman, *History of the Baptist Churches*, 258.



the struggle for independence, notwithstanding he was several times warned and threatened by the British soldiery.”<sup>33</sup>

These ministers' role as opinion leaders could be highly significant for mobilization. Sprague provides one example:

And it may truly be said that the patriotic fire burned in no bosom with a warmer flame, than in that of Mr. [William] Graham himself. On a certain occasion, when, by invitation of the Executive authority of the State, it was resolved to raise a volunteer company of riflemen, to go into active service, there appeared much backwardness in the men to come forward, — he [Graham] stepped out, and has his own name enrolled, which produced such an effect that the company was immediately filled, of which he was unanimously chosen Captain; and all necessary preparations were made for marching to the seat of war, when General Washington signified to the Governors of the States, that he did not wish any more volunteer companies to join the army.<sup>34</sup>

At the time, the Reverend J.H.C. Helmuth of Pennsylvania noted with dismay that “[t]here are many preachers in the American army who exercise the functions of pastor and military officer simultaneously.... It is not uncommon for preachers publicly to extol and make martyrs of those on the American side who are shot.” Lohrenz concluded simply that “[t]he Presbyterian clergymen probably made their most important revolutionary contributions as speakers and exhorters.” While the military record of Baptist mi-

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33 Hall, “Southern Dissenting Clergy,” 244-45. Other dissenting ministers rallied with the militia when needs be, even if not seeing active service, e.g. Presbyterian ministers James Waddell and William Graham. *Ibid.*, 258-59. See also Lohrenz, “Virginia Clergy,” 267 (Walker and Craig enlisting). Thompson, *Presbyterians in the South*, 93-94 (quote). David Campbell to editor, March 25, 1850, Sprague, *Annals of the American Pulpit, Vol. III, Presbyterians*, 287 (quote). Semple, *History of the Baptists*, 359 (quote).

34 Sprague, *Annals of the American Pulpit, Vol. III, Presbyterians*, 366-67. This incident reportedly occurred in February 1778. “Memoir of the Late Rev. William Graham,” 257.

nisters was far more extensive than their Presbyterian counterparts, the same might be said of them.<sup>35</sup>

Anglican ministers also preached in favor of the patriot cause, and certainly, many of the Anglican ministers would be known by their congregations as patriots. Yet, Muhlenberg's example notwithstanding, there are fewer recorded instances of Anglican clergy actually urging enlistment from the pulpit (and fewer still of Anglican ministers joining their congregants as enlisted men). Several factors would caution against drawing too strong a conclusion from this lacuna. First, few of the Virginia sermons of this era survive. Second, as already acknowledged, while a solid majority of Anglican ministers supported the patriot cause, the Anglican ministers did include a number of loyalists. Third, Anglican worship in the latter part of the eighteenth century tended not to lend itself to such passionate appeals. Certainly Anglican ministers did preach in support of the revolutionary goals. Perhaps the best known of the surviving Anglican patriotic sermons is the December 31, 1775 sermon of the Reverend David Griffith, for which the Virginia Convention resolved to express its thanks and appreciation. In that sermon Griffith defined the bounds of obedience to civil authority and, in a passage that came closest to encouraging express support for the rebellion, explained

[b]ut it is high time that the mists of error should be removed from the eyes of every American, from every friend to truth and justice; that while selfish and unworthy motives actuate some, others may not be prevented, by bigotry, from uniting in the most important cause that ever engaged their concern.

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35 Tappert, "Henry Melchior Muhlenberg," 287. Lohrenz, "Virginia Clergy," 226.

I would not be thought to stand here “*a mover of sedition*” or an advocate of licentiousness. It would ill become this sacred place, and the character of a minister of the gospel of Christ, to inspire rebellion and foment disorder and confusion: But it becomes us, highly, to remove every impediment from the progress of truth and justice to espouse the cause of humanity and the common rights of mankind.

Other Anglican ministers were known, generally, to preach in support of the revolutionary governments, including John Bracken and Charles Clay, minister at St. Anne's Parish in Albemarle.<sup>36</sup> Still, the consistency and importance of preaching mobilization by dissenting ministers is not matched in the record of Anglican ministers.

While the extent of preaching and exhortation cannot easily be quantified, it is evident that such support was part of what dissenters promised the establishment for religious freedom, that political leaders called upon dissenters to make good on such commitments and that, generally, dissenting ministers did take an active part in encouraging enlistment and mobilization in support of the war effort.

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Analysis of the ministers' actions shows a clear pattern of Anglican ministers' participation in political and high-ranking military roles, especially early in the war, and enlistment and recruiting by dissenting ministers. The former evidences the social hierarchy that continued to dominate in the latter part of the eighteenth century and further demonstrates that the republicanization of Virginia and politicization of dissenters did not occur until the war. The latter supports the evidence of the negotiation between the es-

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36 “Passive Obedience Considered in a Sermon Preached at Williamsburg, December 31st, 1775, by the Reverend David Griffith, Rector of Shelburne Parish,” in Williams, ed., *Revolutionary War Sermons*, 24. Meade, *Old Churches*, II:49. Lohrenz, “Virginia Clergy,” 143.

establishment and dissenters in which religious freedom was demanded by dissenters in return for their support for mobilization. The role of Baptist ministers, in particular, is dramatic – both their willingness to take up arms (even among those that had been directly persecuted) and the new government’s direct call for their support. It seems highly unlikely that these men took up arms in defense of a new regime which they believed, independence won, would return to religious persecution. William Fristoe, a Baptist minister, explained:

It would leave us to the sore reflection, what have we been struggling for? For what have we spent so much treasure?... Why hear the heart-affecting shrieks of the wounded, and the awful scene of garments enrolled in blood, together with the entire loss of many of our relations, friends; acquaintances and fellow citizens—and after all this, to be exposed to religious oppression, and the deprivation of the rights of conscience, in the discharge of the duties of religion, in which we are accountable to God alone and not to man?<sup>37</sup>

Looked at in other terms, given the persecution and marginalization that plagued dissenting ministers before the war, the level of military participation noted above suggests that dissenting ministers were actively engaged in supporting the patriot cause as the war and liberalization of religious liberty continued. Alternatively, the loyalism (and

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37     Fristoe, *Concise History*, 82-83. See also Lohrenz, “Virginia Clergy,” 247-48, 278- 279. Another factor that could be considered is the support of ministers for the requisitioning of supplies to support patriot forces. (As noted below, Maryland Methodists and other evangelicals on the Eastern Shore reportedly supplied British requests while refusing those from patriot sources.) While data do not permit a thorough analysis of this factor, there is some indication of support for requisitions among dissenting ministers. Two Presbyterian clergymen, John Brown and James Crawford, “served several days each handling claims and/or supplies in Augusta County.” Terman, “American Revolution,” 286. Other Presbyterian ministers are known to have supplied materials themselves. Lohrenz, “Virginia Clergy,” 244 (Hugh Vance and John McKnight). The wealthy Baptist minister, Samuel Harriss, “wagoned military stores.” Clement, *History of Pittsylvania County*, 171. See generally Terman, “American Revolution.”

neutrality) that did exist among a substantial share of Virginia's Anglican clergy suggests an abandonment of their traditional roles as community leaders – positions which were increasingly filled by dissenting ministers. (This pattern was played out in the post-war collapse of Anglican congregations and dramatic rise in membership of evangelical denominations, including, especially, the Baptists.) The difference with circumstances in other southern colonies is particularly dramatic.

### **Data on Mobilization**

Given a substantial interest in aggrandizing the role that their fellow sectaries, particularly ministers, played in the war, anecdotal information from sectarian sources relied upon to analyze the clergy's support for mobilization might be viewed with some skepticism. At the same time, information permitting any type of exhaustive analysis of recruits is simply unavailable. Nonetheless, available data do permit analytical consideration of the mobilization of dissenters in counties with some or strong Baptist and Presbyterian presence. (This methodology is discussed in more detail in Appendix C: Calculating Denominational Support for Mobilization in Virginia during the Revolutionary War.) This analysis suggests that, as the war (and improvements in religious liberty) progressed, Baptist and Presbyterian areas of Virginia generally mobilized more effectively than Anglican areas.

This comparison uses four available county-by-county data sets concerning mobilization, one from early in the war and three from a later period: First, Thomas Jefferson's papers include a table showing militia "rais[e]d" in 1776 by county – presumably to fill newly formed regiments – along with militia strength by county. Second, in October

1780, the Virginia General Assembly asked each county to provide a specific number of men in response to a requisition from the Continental Congress. Third, in 1781, Richmond called for "six month men" from each county to help repel Cornwallis' invasion. Finally, with hyperinflation and administrative problems making taxation and procurement largely ineffective in the final years of active warfare, Richmond requisitioned specific allotments of clothing for soldiers from each county under the 1780 Provision Law.<sup>38</sup> Requisitions were based upon the state's understanding of a county's population. In each of the latter three cases, records were submitted to Richmond permitting a comparison of a county's response to the number of men or amount of supplies requisitioned of that county. Thus, a percentage of mobilization response could be calculated for each county (in the latter years, averaging the response for the 1780 and 1781 troop mobilizations and the 1781 requisition) and the results tabulated by category (Baptist, Strong Baptist, Presbyterian, Strong Presbyterian, and Anglican). These results are shown in Tables 1 and 2, Table 3 includes the underlying data from 1780-81.<sup>39</sup>

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38 Boyd, Butterfield and Bryan, eds., *Papers of Thomas Jefferson*, 2:130-32 (List of Militia by Counties, 1777). Returns for each of the later requisitions can be found in Virginia General Assembly, House of Delegates, Speaker, Executive Communications, Letters and returns, 1781 November 26, Accession 36912, State government records collection, Library of Virginia, Richmond. The 1781 requisition of materials under the 1780 Provision Law assigned to each county a quota of shirts, overalls, stockings, hats and shoes. For this analysis, the response for each category was averaged to provide a single percentage response by county to the material requisition. Table 3.

39 As explained in Appendix C, reliance on the 1780-81 data is complicated by the high percentage of "no response" supplied by many counties. The data deficiencies were recognized at the time; as the Virginia Commissioner of War noted,

In short so very various were the modes adopted, that no certainty of information could be obtained from them, and government were almost as much uninstructed after receiving the returns as they were before. To ob-

(footnote continued)

The first set of data from 1776 – those provided by Jefferson – shows a relatively limited variation in the response rates by county group. While the lowest response rate was from counties designated as “Other” (6.1% of their militia was raised for service), this compares to an average of only 6.8% and no group had a higher response than 7.0%. This suggests that even early in the war the counties with a high dissenting population were mobilizing at least proportionately to their abilities. (It is worth noting, however, that the mobilization rate for “Other” counties is reduced substantially by the very low response rate from Eastern Shore counties where Governor Dunmore continued to raid.)

A somewhat different picture emerges in 1780-81. The data show that the strongest response to specific requisitions came from counties designated as “Strong Baptist” and “Presbyterian,” 49.6% and 49.9% respectively, compared to an average response rate of 43.1%.<sup>40</sup> While mobilization in the “Other” counties (31.7%), those most strongly controlled by Anglicans, was slightly higher than in the “Baptist” counties (29.0%), the difference is small and these data may be skewed by the extremely high “no response”

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(footnote continued)

viate this inconvenience a model was transmitted to each county for their observance, but which I am sorry to say has been very little attended to.

Virginia Executive Communications, Letters and returns, 1781, November 26, Call #36912, Library of Virginia, William Davies, Virginia Commissioner of War, November 26, 1781, 2. Nonetheless, the combined data sets provide a sufficient quantity of data to work with and, while additional analysis is no doubt needed, a useful comparison for these purposes.

40 As one might expect, the data also show a substantially higher response to the requisition of supplies than to the 1780 and 1781 requisitioning of troops (except in the case of “Other” counties, for which there was a very high “no response” rate with respect to the requisition of supplies). Table 2.

rate in “Other” counties, slightly higher than 80%. Mobilization in “Strong Presbyterian” counties (36.5%) also exceeded “Other” by a substantial margin.

These data provide a useful analysis of mobilization which has not previously been considered. While the data are far from perfect, they do show that, especially as the war (and religious liberalization) progressed, dissenting counties generally responded to official requests for support more effectively than counties dominated by Anglicans. Given the serious persecution and discrimination that preceded the war, the willingness of dissenting counties to mobilize at least as effectively as Anglican counties supports the notion that Virginia dissenters and political leaders engaged in a complex negotiation for mobilization in support of the war effort in return for religious freedom and that the dissenters made reasonable efforts to implement their commitments.

### **Dissenter Experience in Other Southern Colonies**

One final comparison may shed light on the question of dissenter mobilization in Virginia in response to negotiations with the establishment for religious freedom: Did dissenters in other southern colonies mobilize as effectively as Virginia’s dissenters? A brief comparison suggests that while dissenters in other southern colonies had not suffered as seriously at the hands of their local establishments, they were in fact less likely than their Virginia co-religionists to support the patriot movement with vigor. This too suggests the importance of the Virginia negotiations.

As the Revolution approached, relations among the establishment and dissenters in North Carolina were deeply influenced by the Regulator movement of 1766 to 1771. The Regulator movement was a western phenomenon significantly influenced by class



division. While some North Carolina dissenting clergy urged their members to avoid armed support for the Regulators, and Governor William Tryon sought to pacify Presbyterian opposition through appeals of Presbyterian ministers who supported the Crown, inevitably, the western-based Regulators were heavily dissenter, and the force that defeated them at Alamance in 1771, largely from eastern North Carolina, was dominated by the Anglican establishment.<sup>41</sup>

After the Alamance defeat, Regulators were required to swear an oath of loyalty to the Crown while their economic, political and legal concerns continued to be generally ignored by the eastern elite and appointed county leaders. The same elite that “crushed the Regulators at the battle of Alamance,” and controlled the post-Alamance political inaction, “also fostered and carried on the Revolution in North Carolina.”<sup>42</sup> By comparison, former Regulators were well aware that the new royal governor, Josiah Martin, was

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41 Kay, “North Carolina Regulation,” 90 (Tryon sought assistance of dissenting, particularly Presbyterian, ministers to calm Regulators in 1768). Thompson, *Presbyterians in the South*, 85 (“mass of [Regulators’] support came from the Scotch-Irish” but at least four Presbyterian ministers urged loyalty). Pascal, *History of North Carolina Baptists*, I:367 (“With the Regulator movement especially strong in Baptist communities it cannot be doubted that nearly the whole body of the Baptists were in the organization.”). See also Dudley, ed., *Foote’s Sketches of North Carolina*, 237-38; Letter from North Carolina Delegation to the Continental Congress to Elihu Spencer, December 8, 1775, in Smith, ed., *Letters of Delegates*, II:461 (“The education of most of these men [the Regulators] have been religious.”). Still, religion was not a prominent element of Regulator protests although they did, by 1769, seek an end to discrimination in marriage and to establishment taxes (perhaps for fiscal as well as religious reasons). Kay and Cary, “Class, Mobility, and Conflict in North Carolina,” 144.

42 Kay, “North Carolina Regulation,” 103. Crow, “Liberty Men and Loyalists,” 128 (quote). Escott and Crow, “Social Order and Violent Disorder,” 379. The same was true in Virginia. “[I]n the Virginia backcountry ... the same, moderately wealthy, principally Anglican planters who controlled institutions of local government before the Revolution also controlled them during that struggle.” Beeman, “Political Response,” 235.

seeking to redress their original grievances. As a result, Martin confidently reported in 1775 to his superiors in London that “people in the Western Counties of this Province, which are by far the most populous, will generally unite in support of Government ... with the aid of a considerable Body of Highlanders in the midland counties.”<sup>43</sup> (The Highlanders were largely Presbyterian.)

Thus, as the Revolution began, perhaps it was no surprise that when loyalists from North Carolina rallied to the King’s banner at the Battle of Moore’s Creek Bridge on February 27, 1776, the group was dominated by several hundred former Regulators (likely dissenters) and 700 Scottish Highlanders. Many more Regulators reportedly went home before the battle when they found out that the British regulars and Governor Martin, whom they had expected, were not coming.<sup>44</sup> The drubbing taken by the royalists at

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43 After Alamance, Governor Martin, unlike the eastern Whig elite, made “genuine attempts at reform.” Kay, “North Carolina Regulation,” 105. Governor Josiah Martin to General Gage, March 16, 1775, quoted in Crow, “Liberty Men and Loyalists,” 130. See also Governor Josiah Martin to Earl of Dartmouth, June 30, 1775, in Saunders, ed., *Colonial Records of North Carolina, Vol. X*, 45-46 (with the Scottish Highlanders “should be able to draw together under that protection, out of the interior Counties of this Province, where the People are in General well affected, and much attached to me, at least two thirds of the fighting men in the whole Country....”).

44 Crow, “Liberty Men and Loyalists,” 136. Kay, “North Carolina Regulation,” 105. George Paschal attempts to minimize the dissenter participation in the Battle of Alamance. *History of North Carolina Baptists*, I:378 (fnt omitted):

It was only natural that after such treatment by the men [eastern leaders] who loved Tryon and hated Martin the Regulators should be willing to rally to Martin’s support so long as it was to protect the person of their Governor. Thus may be found the explanation of the fact that several hundred, possibly a thousand, of them assembled at Campbellton (Fayetteville) in February, 1776, supposing they should find Governor Martin there. But when they found they were disappointed in this, by far the greater number returned to their homes.... Accordingly, at the battle of Moore’s Creek

(footnote continued)

Moore's Bridge quieted western North Carolina for a number of years, but it certainly did not bring the dissenters to support the patriot movement. In fact, in February of 1779, when British Colonel Archibald Campbell sought to rally Tories to the defense of Augusta, Georgia, many that heeded the call (before being badly beaten at Kettle Creek) were Scottish Highlanders from the Carolinas. As a general matter, "Presbyterians in the South showed some reluctance to join the conflict.... As a matter of fact, many Highlanders who had so recently been associated with the Regulators, took their oaths of allegiance to George III as a sacred obligation."<sup>45</sup>

Nor was loyalism among North Carolina dissenters limited to Presbyterians. As noted above, there was a substantial Baptist contingent among the Regulators who supplied a number of loyalists. James Childs, a North Carolina Baptist minister, urged his congregation not to support the patriots. Childs reportedly warned

Shew him [Childs] a great man with a half moon in his hatt and Liberty Rote on it and his hatt full of feather [and] he would Shew you a devil ... he did not value the Congress nor Commityer no more than a passell of

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(footnote continued)

Bridge not two hundred Tories in addition to the Highlanders were found, and of these probably not more than one hundred were Regulators.

Ian Graham concludes simply that "the great majority of them [the Regulators] were Tories." *Colonists from Scotland*, 155.

45 Ferling, *Almost a Miracle*, 386. Smylie, ed., "Presbyterians and the American Revolution," 388-89, also 377 ("many Presbyterians in the South apparently were not in support of the American case against the British. They had to be persuaded to change their minds, or neutralized in their attitudes and actions."). As in Virginia, the influence of the clergy for recruiting was important. See North Carolina Delegation to the Continental Congress to Elihu Spencer, December 8, 1775 in Smith, ed., *Letters of Delegates*, II:461 (Regulators "look to their Spiritual pastors with great respect ... truths from their mouths come with redoubled influence.").

Rackoon Dogs for he got his [commission?] from the king and the field  
offessers got their Commission from Hell or the Devil.

Baptist Reverend William Cook also signed a Tory paper, “the Protest,” but was hauled before a county committee and sought instruction, ultimately issuing an apology. James Perry, another Baptist minister, was brought before the Anson Committee of Safety apparently as part of group that sent seditious letter to the legislature in 1777.<sup>46</sup>

In fact, in 1776, recognizing the role of dissent in the loyalist support in Carolina, Joseph Hewes, a North Carolina delegate to the Continental Congress, asked a committee of Presbyterian ministers in Philadelphia to appeal to their brethren in North Carolina and the Continental Congress sent a delegation of Presbyterian ministers to try to enlist the dissenters’ aid ordering “[t]hat two Ministers of the Gospel be applied to, to go immediately amongst the Regulators and Highlanders in the Colony of North Carolina, for the purpose of informing them of the nature of the present dispute between Great Britain and the Colonies.” Hewes explained to a North Carolina correspondent, “we have prevailed on the Presbyterian Ministers here [Philadelphia] to write to the Ministers and congregations of their Sect in North Carolina, . . . these people are staunch in our cause and have promised to set their Brethren in North Carolina right.” In an earlier letter, Philadelphia Presbyterian ministers warned their North Carolina co-religionists that “if you will offer

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46 Depositions of Burlin Hamrod (July 8, 1776), William Bennett *et al.* (July 9, 1776), quoted in Escott and Crow, “Social Order and Violent Disorder,” 389 (spelling as in original). Paschal, *History of North Carolina Baptists*, 1:389, 469-73. Paschal notes that several of the Baptists, after appropriate chastisement, repented, but the difference from the experience in Virginia is still notable.

yourselves to voluntary slavery, and desert the loyal sons of liberty of all denominations in the most honourable and important contest, we can have no fellowship with you.”<sup>47</sup>

Interestingly, the 1776 North Carolina Constitution did support religious liberty and a separation of church and state and did so in a manner ostensibly more fulsome than early efforts in Virginia. George Washington Pascal argues that Article 34 of the 1776 North Carolina constitution “might seem at first sight to make or permit a general Establishment including all churches and denominations on equal terms as was afterwards proposed in Virginia. But even this was rendered impossible by making all religious obligations personal and voluntary. From the time of its adoption separation of church and state has been practically complete in North Carolina.” Discrimination in the provision of marriages by dissenting ministers was also eliminated in North Carolina in 1776. Unlike Virginia, however, there was no extended dialogue in which dissenters and establishment negotiated support for the patriot movement in return for support for religious liberty. This appears to have had a significant impact on the relative patriot and loyalist support and may be indicative of a pattern. “[M]ost historians who have written about politics in

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47 See Pauley, “Religion and the American Revolution,” 157, fnnt omitted. Extracts from the Proceedings of the Continental Congress, November 28, 1775, in Saunders, ed., *Colonial Records of North Carolina*, 338. Joseph Hewes, N.C. Delegate to Continental Congress, to Samuel Johnston, July 8, 1775, *ibid.*, 86 (fnnt omitted). Crow, “Liberty Men and Loyalists,” 131. Hewes later reported that “two Ministers of the Gospel who are sent by order of Congress to the Western parts of North Carolina, where some of the inhabitants we are told are pursuing measures hostile to the friends of America....” Joseph Hewes to Samuel Johnston, January 6, 1776, Saunders, ed., *Colonial Records of North Carolina*, 390. This effort to pacify North Carolina Presbyterians led to the Reverend Witherspoon’s July 1776: “Address to the Natives of Scotland Residing in America.” See also Bonomi, *Under the Cope of Heaven*, 209. Synod Letter, July 10, 1775, Smylie, ed., “Presbyterians and the American Revolution,” 392.

Virginia and the Carolinas have emphasized the persistence of deferential consensual styles in the former and of a high degree of conflict in the latter.” Richard Beeman notes, though, that “it is wholly implausible to assume that Virginia frontiersmen were any more intrinsically deferential than their Carolina counterparts.” Rather, the greater degree of cooperation in Virginia was the result of the process of negotiation itself.<sup>48</sup>

Failure to develop effective political institutions in western North Carolina became a major impediment when eastern leaders sought dissenter support for the Revolution. By comparison, governmental institutions permitted an effective dialogue in the case of Virginia. Virginia “evangelicals were, by the time of the Revolution, ready and able to enter the political fray in order to guarantee that their interests on that important question [of religious discrimination] were more appropriately served.” As Beeman concludes, “the great majority of the citizens of Virginia backcountry ... supported the patriot cause because the whig leaders of Virginia were able to demonstrate in tangible ways that it was clearly in the real interests of the backcountry settlers to give their support.” The tangible means of demonstrating those interests were the negotiation with the Virginia establishment of religious freedom.<sup>49</sup>

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48 Paschal, *History of North Carolina Baptists*, I:459, 288. See also Pauley, “Religion and the American Revolution,” 182. (Article 32 of the 1776 North Carolina Constitution does, however, limit office-holding to Protestants.) Beeman, “Political Response,” 226-27 (quote).

49 Beeman, “Political Response,” 230, 234 (quote). Compare Nelson, *Blessed Company*, 284 (“Comparative speaking, Virginia’s institutions – political, economic, and religious – responded to the rapid changes far more effectively than did the Carolinas’. New settlements, as already noted, were quickly provided parish and county organizations as well as representation in the provincial legislature.”).

As in North Carolina, “South Carolina dissenters, especially the backcountry Baptists, suspected the local political leadership of using the rhetoric of freedom as a means to gain full control of the colony for their own political and economic advantage.” The result was significant Toryism (and a high rate of neutrality) among the South Carolina backcountry Baptists.<sup>50</sup>

Maryland’s Eastern Shore provides another interesting comparison. As in Virginia, evangelical dissenters on Maryland’s Eastern Shore were required to pay taxes to support Anglican ministers and faced a number of formal and informal means of discrimination, although certainly Virginia dissenters had been treated more harshly. Methodism, in particular, was active on the Eastern Shore immediately before and during the war, at that time far more so than in Virginia. While John Wesley continued to support a communion with the Church of England, Eastern Shore Methodists were sensitive to the disadvantages and opposition that they faced from the established church and its local leaders – not to mention their tax obligations to support Anglican clergy. As a result, as Keith Mason concludes:

The authorities [in Maryland] also faced opposition from another predictable source. Swept up in the mid-eighteenth-century revivals, the Eastern Shore harbored a growing number of Evangelicals, especially Methodists.... they were hostile to many of Chesapeake society’s pivotal institutions including the Anglican church and slavery, averse to gentry preten-

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50 Pauley, “Religion and the American Revolution,” 170-71, 181-82. Pauley also suggests that the lack of dialogue between establishment and dissenter groups in South Carolina contributed to this situation. *See generally* Ferling, *Almost a Miracle*, 195-96 (fnt. omitted) (“Beginning in 1777 the civil and military authorities throughout America had to troll as never before to find men willing to make a long-term commitment, and they had to battle the sinister suspicions of many of the poor that they were being manipulated to bear arms by ‘sagacious politicians’ who served the elite.”)

sions, and, given their religious sensibility, unenthusiastic about the revolutionary war.

Nor was the opposition restricted to Methodist congregants. William Paca told Governor Johnson on Sept. 6, 1777, "I am sorry to inform you of an insurrection of Tories ... headed by some scoundrel Methodist Preachers."<sup>51</sup> One might note that Methodists were also the most Tory of Virginia sects, but there were significant differences from the Maryland Eastern Shore. First, as Mason notes, loyalism on Maryland's Eastern Shore involved many evangelicals and was not limited to Methodists. Second, sources note more active Toryism among Maryland's Methodists, including armed opposition to state authorities and direct provision of aid to the British, whereas pacifism was more often the complaint against Virginia Methodists. Third, the Toryism of Maryland Methodists was actively promoted by their preachers, whereas the same could not be said of Virginia.<sup>52</sup>

A myriad of factors contributed to the different realities in Virginia, the Carolinas and Maryland. Still, while space does not permit an exhaustive analysis of the extent and causes of loyalism in the Carolinas and Maryland, it is clear that loyalism among dissenters was far more common in these new states than in Virginia. The different pattern in Virginia was not happenstance. The extended dialogue between establishment and dissenters in Virginia was certainly part of that milieu. The absence of similar changes in

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51 Hanley, *American Revolution & Religion*, 145. Mason, "Localism, Evangelicalism, and Loyalism," 25 (quote) (fn omitted). Paca quoted *ibid.*, 48. See also Hoffman, *Spirit of Dissension*, 227, quoting Nathaniel Potter to Governor Thomas Sim Lee, August 20, 1780; Hanley, *American Revolution & Religion*, 39 ("On the Eastern Shore many pleaded that their religion made them disaffected toward the Maryland government and then aided the British.").

52 Brydon notes that even among Methodists, Virginia preachers were less likely to be loyalists than in more northern states. Brydon, *Virginia's Mother Church*, II:416.



the polity in the other new states explains, in part, the greater difficulty faced by their establishment leaders in incorporating dissenters effectively into the war mobilization.<sup>53</sup>

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The available evidence strongly suggests that dissenters in Virginia mobilized more effectively as a result of the negotiations for religious liberty. Action by dissenting ministers, particularly their pronounced presence in efforts to preach mobilization and the military service of previously persecuted Baptist ministers, is strong evidence that these patterns did not simply emerge spontaneously in Virginia. Rather, they were the result of an extended and considered negotiation with establishment leaders. Second, the limited data that are available support the notion that by the end of the war, as religious liberty had been substantially enconced in the structure of the new state governments, Richmond increasingly found itself relying on effective mobilization in counties with a strong dissenting presence. Third, the pattern of substantial loyalism among dissenters in other southern colonies seems altogether absent in Virginia. Others have noted generally the importance of political institutions in Virginia which more effectively engaged backcountry settlers in the political process. It was just such institutions that played an important role in the negotiations discussed in this work. As dissenters participated in the political discussions – primarily through their petitions, but also by the particular participation of key dissenting ministers – they became part of the polity; this participation was an important factor in supporting effective dissenter mobilization in Virginia.

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53 Interestingly, the other southern states also saw a higher rate of loyalist emigration to Britain during and immediately after the war. *See, e.g., Norton, British-Americans, 37.*

#### CHAPTER 4: AFTER THE WAR: A RESURGENT ESTABLISHMENT AND THE END OF COMPULSION

*[T]he people of this Commonwealth, according to their respective abilities, ought to pay a moderate tax or contribution annually for the support of the Christian religion, or of some Christian church, denomination, or communion of Christians, or of some form of Christian worship.*

Adopted (47-32), *Journal of the House of Delegates* (November 11, 1784), 17.

After Lord Cornwallis' surrender at Yorktown on October 19, 1781, the Revolutionary War continued for almost two years until the Paris Peace Treaty was signed on September 3, 1783. (The Treaty was not ratified by the Confederation Congress until January 14, 1784, but before that date the British had withdrawn from New York and the Continental Army had been disbanded.) Yet, while the war nominally continued after Yorktown, there seemed to be little question among Virginians in the waning days of 1781 that there was cause for celebration. Virginia Governor Thomas Nelson, for example, wrote in October 1781 that "[t]his Blow, I think, must be a decisive one, it being out of the Power of G.B. to replace such a Number of good Troops." In spite of continued appeals for support from the Continental Congress, the great pressure for mobilization was eliminated.<sup>1</sup>

Not surprisingly given the nature of their wartime negotiations, the shift in the winds of war caused a shift in the fortunes of Virginia's dissenters. In spite of the substantial progress that had been made, and in spite of the dissenters' effective mobilization

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1 Thomas Nelson to Virginia Delegation to the Continental Congress, October 20, 1781, McIlwaine, ed., *Official Letters of the Governors of the State of Virginia, Vol. III: The Letters of Thomas Nelson*, 89.

to support the patriot movement, full religious freedom had not been obtained. First, even with the 1780 amendments which authorized marriages by dissenting ministers, dissenters faced discrimination. Their ministers had to be licensed specifically by a county court to perform marriages, they could only perform marriages in their own county, and only four dissenters of each denomination could be licensed within a county; their Anglican counterparts faced none of these restrictions.<sup>2</sup> Second, Anglican vestries continued to be responsible for poor relief, both control of poor taxes and administration of relief (except in seven western counties where the overwhelming dominance of the dissenting population meant that reliance on Anglican vestries was not a viable option). Dissenters feared that such Anglican control could be influenced by "Party Motives."<sup>3</sup> Third, some of the dissenters complained that glebes, churches and other property purchased through general taxes should not be held exclusively by Anglican parishes, as the act which exempted dissenters from establishment taxes had provided.<sup>4</sup> Fourth, and most fundamen-

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2 Hening, ed., *Statutes*, X (1780):363. Dissenters also complained about the requirement that marriages be officially reported to the county court clerk with failure to do so potentially subject to a large fine, but this requirement, at least nominally, applied equally to all ministers. *Ibid.*, XI:505, Art. VII. Brydon suggests that dissenters were unhappy because, for Anglican ministers, recording a marriage in a parish register was an "official" record. When the law was changed in 1784, all ministers were required to report marriages. Brydon, *Virginia's Mother Church*, II:450 n. 8.

3 Hening, ed., *Statutes*, X:288; Caroline County (November 8, 1780). The seven counties in which overseers, rather than vestries, were responsible for poor relief were Rockbridge, Botetourt, Montgomery, Washington, Greenbrier, Augusta and Frederick. In 1782, Shenandoah, Henry, Monongalia, Ohio and Berkeley were added to that list. Hening, ed., *Statutes*, XI:62.

4 *Ibid.*, IX:165. As claims to deprive the formerly-established church of these properties increased, some Anglicans complained bitterly that the property "was all given up by the Dissenters to the said Church upon Condition they would obtain the Abolition of her Establishment...." Amelia County (November 8, 1784).

tally, there was continued ambiguity in the protection of religious liberty in Virginia, particularly as it affected church/state relations. The Anglican Church was still nominally the established church, with its mode of worship specified in legislative enactments. Further, since adoption of the Declaration of Rights in 1776, Virginia had on several occasions considered whether to adopt a general assessment – a government tax to benefit all (or at least all Christian) ministers, and a test or oath act was still a possibility (and had been adopted in eleven of the new states). The possibility of a general assessment was of particular concern to dissenters. This matter had been expressly reserved in the 1776 act ending the establishment assessment on dissenters, and in 1779, a bill was introduced to provide a general assessment for all Christian religions which also laid down rules of acceptable doctrine (including belief in the existence of God, a future state of rewards and punishment, and the divine inspiration of the Old and the New Testament) and provided for incorporation of churches. When opposed strongly by dissenters, the 1779 bill was tabled. Jefferson's Bill for Establishing Religious Freedom was also considered in 1779, but, while supported by many dissenters, it too was tabled.<sup>5</sup> Dissenters were very conscious of the fact that their liberties were incomplete and were far from guaranteed.

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5 Hening, ed., *Statutes*, IX:165. After establishment taxes were suspended in 1776, ministers' income suffered severely. By 1779, a general assessment was advocated broadly, including one petition from heavily Presbyterian Augusta County (October 20, 1779). *See also* Caroline County (December 5, 1777), Amherst County (October 13, 1778), Essex County (October 22, 1779) (signed by William Gatewood and Spencer Roane who, as delegates in 1784, voted against a general assessment), Lunenburg County (November 3, 1779), Amherst County (November 10, 1779). *But see* Miscellaneous Petition (June 3, 1777) (Hanover Presbytery opposing); *Virginia Gazette* (Clarkson and Davis), October 30, 1779. The defeat of the 1779 general assessment bill is discussed at length in Buckley, *Church and State*, 56-61, Appendix 1, 185-88.

Yet, after Yorktown, Tidewater Anglican leaders – still firmly in control of the General Assembly – saw little reason to accede to further dissenter demands for improved freedom and redress of inequities. With the pressure for mobilization removed, the Assembly's response to the regular requests from dissenters for further reform turned from attentive to languid. In fact, while generally ignoring dissenter pleas for additional liberty, within several years supporters of the former establishment again sought to ensure state support for religion, support which would have been especially important for Anglicans. Led by the ever-popular Patrick Henry, they obtained initial approval of a general assessment to benefit Christian teachers and ministers and expected passage.

This, though, would prove too much. While Anglican leaders still held key political positions and generally dominated the General Assembly, the politicization of a broader electorate brought about by the Revolution and the forced negotiation of religious liberty with dissenters had irrevocably changed the Virginia polity. Dissenters, having been intimately involved in the political process through their petitioning, and having fought the war, could simply no longer be denied. While James Madison's legislative legerdemain was instrumental in slowing the push for adoption of a general assessment in

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(footnote continued)

At the time, Jefferson's Bill for Establishing Religious Freedom was supported in petitions from Augusta County (October 20, 1779, October 27, 1779) and Amherst County (November 1, 1779), and in a resolution by the Baptist association. Semple, *History of the Baptists*, 89. The bill was opposed in petitions from Lancaster County (October 20, 1779), Culpeper County (October 21, 1779), Essex County (October 22, 1779), Lunenburg County (November 13, 1779), and Amherst County (November 10, 1779) and received a generally unfavorable review in the newspapers. See, e.g., *Virginia Gazette* (Dixon & Nicolson), August 14, 1779, September 11, 1779, September 18, 1779, and November 27, 1779; *Virginia Gazette* (Clarkson and Davis), November 6, 1779.

December 1784, in the summer of 1785 the full weight of the now politicized dissenters was brought to bear upon the General Assembly. As a result, not only was a general assessment buried, but Madison was finally able to steer Jefferson's Statute for Establishing Religious Freedom to adoption in January 1786.

While many historians have simply seen adoption of Jefferson's statute as the natural continuation of the process of liberalization of religious freedom from 1775 to 1780, such a rarefied perception fails to appreciate the extent to which the post-war legislative machinations provide further evidence of the continued strength of the Anglican establishment, of the nature of the wartime negotiations and of the fundamental change in Virginia's political process caused by that dialogue between the dissenters and establishment.

### **Petitioning Without Response**

During the war, Virginia's dissenters and the establishment engaged in an ongoing dialogue over religious liberty. Not a year went by in which there were not a number of petitions from dissenters seeking improved liberty and, almost every year, some favorable response from the legislature. In spite of the pressing demands of the war, indeed, because of them, and in spite of Anglican efforts to delay, religious issues were regularly at the center of the Virginia legislature's agenda. This changed in 1781 once dissenter support for mobilization was no longer needed.

As early as November 22, 1781 (shortly after Yorktown), petitioners from Prince Edward County (a Presbyterian stronghold) sought dissolution of Anglican vestries and an end to their administration of the poor tax. Just less than a month later, that petition

was deferred to the next session, when it was rejected on June 8, 1782. A more detailed Baptist petition of June 3, 1782 also asked for an end to Anglican vestries' governmental role and added a request to end discrimination in the context of marriages. The first request was, again, rejected; the second deferred to the next session when no action was taken.<sup>6</sup>

In 1783, the pace of dissenter petitioning accelerated a bit when petitions from Amelia, Essex and Powhatan County Baptists sought reforms of both marriage provisions and vestry laws. The tone of these petitions was a bit sharper – particularly urging that in the crucible of the war the dissenters had taken an equal place with members of the former establishment. Essex County Baptists noted that relief was particularly called for “as we have joined with our Brethren in the same Cause of Liberty” and that nothing should remain to “disappoint our Expectation.” Amelia County Baptists the next day also noted that “[w]e cannot conceive that our conduct has been such in the late important Struggle as to forfeit the Confidence of our Countrymen, or that the Church-of-England-Men have rendered such peculiarly meritorious Services to the State, as to make it necessary to continue the invidious Distinctions which still subsist....” Powhatan Baptists joined their colleagues, also expressly linking the pursuit of religious liberty and their efforts in the war, noting that they had “freely embarked with our fellow-citizens, in the common struggle for liberty & while we were opposing our enemies in the field we were petitioning our Rulers, at the helm of legislation, to set us free from the yoke, of religious oppres-

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<sup>6</sup> Prince Edward County (November 22, 1781). Miscellaneous Petition (June 3, 1782).

sion, which we long groaned under, from the former government, part of our petition was granted, but our liberties in full, together with those of other dissenters, are not yet” effectively guaranteed. The Powhatan Baptists not only asked for resolution of their grievances but noted, prophetically, that they hoped “that no law may pass, to connect the church & state in the future....” All were to no avail. With the increased pace of petitioning, the question of vestries and marriages were taken-up by the House in the second session of 1783 but Anglican opponents of reform were able, again, to prevent any action from being taken.<sup>7</sup>

On May 26, 1784, the General Assembly received two additional petitions supporting further liberalization. The first was from Baptists meeting in King & Queen County. The second – an extended discussion of developments in Virginia concerning religious liberty – came from the Hanover Presbytery. The Presbyterians pointedly began by reminding the Assembly of their effort to resolve the problem of religious liberty during the war.

An entire and everlasting freedom from every species of ecclesiastical domination, a full & permanent security of the unalienable right of Conscience & private judgment; and an equal share of the protection & favour of Government to all Denominations of Christians, were particular objects of our expectation, and irrefragable claim.... [Every religious society] justly supposed that any partiality of this kind, any particular & illicit connexion [sic] or commerce between the state & one description of Christians more than another on account of peculiar opinion in religion, or in any thing else, would be unworthy of the representatives of a people perfectly free, and an infringement of that religious Liberty, which enhances the value of other privileges in a state of Society.

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7 Amelia County (May 1783). Essex County (May 30, 1783). Amelia County (May 31, 1783). Powhatan County (November 16, 1783). *JHD* (December 19, 1783), 137.



Noting that people continued to confuse “the distinction between matters purely religious, and the objects of human Legislation,” the Presbytery joined Baptist complaints over vestry laws and restrictions on marriages by dissenting ministers. The Presbytery also observed that the Anglican Church still benefitted from quasi-official status and asked that all churches be treated equally, mentioning terms of incorporation, implying that Presbyterian Churches wished to incorporate on a non-discriminatory basis.<sup>8</sup>

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8 King and Queen County (May 26, 1784); Miscellaneous Petition (May 26, 1784). In speaking of the war, the Presbytery noted:

We are willing to allow a full share of Credit to our fellow citizens, however distinguished in name from us, for their spirited exertions in our arduous struggle for Liberty, we would not wish to charge any of them, either ministers or people, with open disaffection to the common cause of America, or with crafty dissimulation or indecision, till the issue of the war was certain, so as to oppose their obtaining equal privileges in Religion; but we will resolutely engage against any monopoly of the honours and rewards of Government by any sect of Christians more than the rest, for we shun not a comparison with any of our brethren for our efforts in the cause of our Country, and assisting to establish her liberties, and therefore esteem it unreasonable that any of them should reap superior advantages for, at most, but equal merit.

This convoluted formulation was intended to do exactly the opposite of what it purported: avoiding comment on other denominations’ support for the war. Equally disingenuous was the suggestion that Presbyterians had “hitherto restrained our complaints from reaching our Representatives that we might not be thought to take any advantage from times of confusion, or critical situations of Government in an unsettled state of Convulsion and wars, to obtain what is our clear and unconstestable rights.” This dissimulating petition was drafted by a young Reverend John Blair Smith, president of Hampden Sydney College, who would play a leading role in the events to follow. Brydon, *Virginia’s Mother Church*, II:442.

The Presbytery also complained that the formerly established church, the Protestant Episcopal Church after a June 1784 convention, “is actually incorporated & known in law” and permitted to take and own property as a body, whereas “other Christian communities are obliged to trust to the precarious fidelity of Trustees chosen for the purpose.” While the Presbytery was confused as the Episcopal Church was not actually in-

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The most interesting thing about these petitions is the lack of any significant action by the General Assembly after 1781, a marked departure from the experience during the war. By contrast, as Anglican interest in religious regulation increased in the mid-1780s, the Assembly was found willing to take a much more active role in matters of concern to the formerly established church.

This post-war period of legislative inactivity on religion saw a shift in the approach of the former Anglican establishment on issues of religious freedom. Initially, without the necessity of dissenter support for mobilization, Anglicans simply ignored the continued requests of dissenters for further liberalization. As time went on, however, Anglicans saw an opportunity to use their continued dominance in the legislature to attempt to revive their flagging church. By the end of 1783, supporters of the former establishment were actively calling for state support for religion, and it initially appeared that a resurgent establishment would be successful. Yet, much to the surprise of key legislative leaders, with dissenters politicized by the war and the polity irrevocably changed, the result was another intense battle over religious freedom, a battle which was finally to end the notion of an established church in Virginia for good.<sup>9</sup>

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(footnote continued)

corporated, the grant of property which accompanied the 1776 law suspending establishment taxes did ease administrative problems for Anglicans. (A May 8, 1784 letter in the *Virginia Gazette and Weekly Advertiser* more accurately stated that the Episcopal Church was “virtually” incorporated.) Baptists, with an aggressively local governance, were consistently suspicious of any church incorporation, whether or not discriminatory.

9 The General Assembly’s relative inactivity in this period on issues of concern to dissenters contrasts not only with its attentiveness during the war, when other issues might have seemed more pressing, but also with its actions in response to other complaints. For example, when Kentucky residents complained in June of 1782 that many

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### Establishment Resurgent

Beginning at the end of 1783, the Virginia General Assembly heard a renewed voice asking for greater state participation in religious matters, primarily from Anglicans. These requests surfaced in two areas: First, and foremost, Anglicans (Episcopalians after the spring 1784 convention) sought to revive the notion of a general assessment to support Christian ministers, a proposal that had been tabled in 1779. Since a large share of the population continued to be nominally Episcopalian, under such a scheme Episcopal clergy would find their salaries effectively guaranteed – stabilizing a situation that had plagued the clergy since the suspension of the establishment tax in 1776. Second, the Episcopalians sought the right to incorporate to hold property as a corporate body. Thus, the churches and glebes, which had been expressly left to the Anglican Church when establishment taxes on dissenters were eliminated, could be better managed and used to support Episcopal ministers. Recognizing that a return to the former exclusive establishment was not practical, the Episcopal community did not see either measure as discriminatory, suggesting that an assessment would apply to all (or at least all Christian) denominations and claiming, at least initially, that any church body might choose to be incorporated.<sup>10</sup>

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(footnote continued)

people were married in Kentucky by magistrates as ministers were simply not available, District of Kentucky, June 3, 1782, the General Assembly passed a law authorizing such marriages during the May 1783 session. Hening, ed., *Statutes*, XI:281.

10 Hawks, *Contributions to the Ecclesiastical History*, 156. While all churches suffered during the war, the Episcopal clergy suffered particular losses. Not only did many of those born in Britain (approximately one-third of the Anglican clergy in Virginia) re-

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There are some indications that Anglicans were consciously seeking to recapture ground and recognized that dissenters had lost their primary leverage of the need for support for wartime mobilization. For example, the Reverend David Griffith, who played a leading role in Anglican reorganization and incorporation of the Episcopal Church, noted that while Anglicans should try not to antagonize dissenters, the dissenters' position had been undercut by the removal of the common danger. Griffin concluded that the time was ripe for action; by comparison, he recognized that during the war it would have been unwise to "interrupt that union which was so necessary for our mutual security and preservation."<sup>11</sup>

While dissenter petitions for religious reforms languished, between November 1783 and November 11, 1784, when the House of Delegates adopted a resolution in favor of a general assessment, seven petitions were received supporting such an assessment, several of which also called for permitting churches to be incorporated. Petitioning for a general assessment in this period began with a request from Lunenburg County received on November 8, 1783 asking that "the reformed Christian religion [be] supported and maintained by a General and equal Contribution of the Whole State upon the most equit-

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turn there, but British bishops would not ordain new priests during the war and, initially, continued to withhold ordination after the war for fear of angering Parliament or King. Without a resident bishop in America until 1785, there was no way to replace losses among the American Episcopal clergy. Add to this deaths and the loss of promised benefices, and the Anglican clergy was placed in serious disarray. Brydon, *Virginia's Mother Church*, II:429, 461, 470-71. While Brydon overstates clergy losses in some respects, as have a number of church historians, there is no doubt that there was a serious problem in filling parishes after the war. Nelson, *Blessed Company*, 300-01.

11 David Griffith to John Buchanan, Fall 1783, in Meade, *Old Churches*, 2:264-65.

able footing that is possible....” In particular, the Lunenburg petitioners, claiming that they represented “all Sects and Denominations” within the state, noted that they supported a “free and universal Toleration,” but thought that a general assessment would be consistent with that toleration if each taxpayer chose the denomination to which funds would be directed. Before the month was out, Amherst Anglicans joined in seeking legislative action to support “All the sincere & pious Christians of every Denomination.” Apparently expecting opposition from dissenters, the petitioners expressed confidence to the General Assembly that “[n]o bigoted Presbytery can awe your Deliberations.”<sup>12</sup>

As the legislative session began in May 1784, additional petitions arrived in Richmond calling for a general assessment to benefit “Christian” ministers, and; surprisingly, little was heard in opposition from dissenters. In an effort to clothe themselves with the public interest, the pro-general assessment petitioners tied the need for state support of religion to the need to renew “public virtue” which had been undermined by the demands of the war. Consistent with generally accepted eighteenth century political principles, it was urged that improving public virtue would strengthen the republic. Warwick County petitioners, for example, reminded the legislature “that it is essentially

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12 Lunenburg County (November 8, 1783). Amherst County (November 27, 1783). The Amherst petition paralleled closely the language from the *Virginia Gazette or American Advertiser*, September 13, 1783, calling for action to restore public virtue by promoting religion. The Lunenburg petition did elicit a favorable response from the Committee for Religion, but it was tabled by the House on November 15, 1783. *JHD* (November 15, 1783), 33. After receipt of the Amherst petition on November 27, the matter was referred to the whole House, but no definitive action was taken in that session. *JHD* (November 27, 1783), 66. See also Meade, *Old Churches*, 2:266, quoting Rev. John Buchanan to Rev. David Griffith, February 2, 1784, for Henry’s role in encouraging support of the general assessment.

necessary for the good Government of all free States, that some legislative attention should be paid to religious Duties.” Powhatan petitioners agreed that “Encouragement & Support of Piety, true Religion, and Learning,... is one of the great Bulwarks of Liberty.” In so doing, those supporting establishment of religion were seeking to reassert a role as societal leaders in this important area.<sup>13</sup>

Having done little for the Episcopal Church other than running interference since 1775, the reaction of the legislature to these new requests was favorable. On May 27, 1784, the Committee of Religion endorsed the notion of a general assessment. Patrick Henry urged adoption, noting that other states had such a tax. While James Madison and several others opposed this action, with “a disproportionately Episcopal House of Delegates and strong friends in the Senate,” the prospects of the provision were good, certainly far better prospects than the Anglican Church had enjoyed since 1776.<sup>14</sup>

What developed at this point appears to be a coordinated plan by which supporters of the Episcopal Church would seek adoption of both an assessment and incorporation and, finally, agree to reform marriage and vestry laws in order to ensure passage of the laws they desired. Noting expressly petitions from the Episcopal and Presbyterian churches, the Committee for Religion, having approved an assessment at the end of May,

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13 Warwick County (May 15, 1784). Powhatan County (June 4, 1784). Several additional petitions supporting an assessment followed, including one from the clergy of the Protestant Episcopal Church meeting in convention. Miscellaneous Petition (June 4, 1784); Isle of Wight (November 4, 1784); Amelia County (November 8, 1784).

14 *JHD* (May 27, 1784), 30. Brant, *James Madison: The Nationalist*, 344. Singleton, “Colonial Virginia as First Amendment Matrix,” 350-51 (quote). Madison took a seat in the 1784 Virginia House after having spent four years at the Continental Congress, a change which would prove momentous for religious liberty.

agreed in early June that “incorporation ought to be extended to all other religious societies within this Commonwealth, which may apply for the same.” At the same time, noting the memorials from both the Baptist and Presbyterian churches, the Committee finally endorsed addressing the vestry and marriage issues which had been repeatedly tabled. The resolution from the Committee for Religion was presented to the House by Wilson Miles Cary, a relative of arch-churchman Archibald Cary (and, with him, a delegate to the 1784 convention which organized the Episcopal Church). With time in the spring session short, all of these matters were carried over to the fall.<sup>15</sup>

Shortly after the General Assembly reconvened on October 30, 1784, religious liberty and church/state relations again took the “principal attention” of the Virginia polity. This was a marked change in the situation since the end of the war. As an indication of the direction of the leadership, Speaker John Tyler, a Patrick Henry partisan, appointed a

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15 *JHD* (June 8, 1784), 57-58. Brock, *Archibald Cary*, 123. A law equalizing marriage requirements promptly passed the House in June, only to die with the end of the session in the more conservative Senate. *JHD* (June 28, 1784), 111. James Madison said of these developments:

Several Petitions came forward in behalf of a Genl. Assessm[en]t which was reported by the Come. of Religion to be reasonable. The friends of the measure did not chuse [sic] to try their strength in the House. The Episcopal Clergy introduced a notable project for re-establishing their independence of the laity. The foundation of it was that the whole body should be legally incorporated, invested with the present property of the Church, made capable of acquiring indefinitely – empowered to make canons & by laws not contrary to the laws of the land, and incumbents when once chosen by Vestries to be immovable otherwise than by sentence of the Convocation. Extraordinary as such a project was, it was preserved from a dishonorable death by the talents of Mr. Henry. It lies over for another Session.

James Madison to Thomas Jefferson, July 3, 1784, Rutland, Rachal, Ripel, Teute, eds., *Papers of James Madison*, 8:93-94.

conservative Committee for Religion including many older men who were strong supporters of the Episcopal Church.<sup>16</sup> On November 11, the Committee of the Whole House on the State of the Commonwealth voted 47 to 32 that there should be “a moderate tax or contribution annually for the support of the Christian religion, or of some Christian church, denomination, or communion of Christians, or of some form of Christian worship.” Importantly, the vote on this resolution – and many of the related votes which followed – was recorded (which was not normal procedure in the House). Patrick Henry and his supporters voted in the affirmative, James Madison in the negative. The matter was then referred to a committee chaired by Henry for drafting an assessment bill.<sup>17</sup>

Supporters of the Episcopal Church effectively received another boost that same day when the House received a Baptist petition from the first joint convention of the Regular and Separate Baptists, meeting at the Dover meeting house as the Baptist General Committee. Formation of the General Committee itself provides considerable evi-

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16 James Madison to James Monroe, November 14, 1784, Rutland, Ripel, Teute, eds., *Papers of James Madison*, 8:136. *JHD* (November 1, 1784), 4. Buckley concludes that the popular Tyler created a small, fifteen-member committee and proceeded to pack it such that “almost all the committee members were known Episcopalians.” Buckley, *Church and State*, 90. While Tyler may have packed the committee, the committee’s size was not reduced (compared to thirteen members initially appointed in May, *JHD* (May 13, 1784), 3, and eight members the previous November, *JHD* (November 4, 1783), 9). Further, while the new committee certainly was dominated by conservative leaders, including the chairman, William Norvell, it also included James Madison, Zachariah Johnston, French Strother, Wilson Cary Nicolas, and other supporters of liberalization.

17 *JHD* (November 11, 1784), 17. While no petitions opposed to a general assessment had been received in the prior two years, the *Virginia Gazette or American Advertiser* printed a letter on November 8, 1783 warning that a legislature that could adopt a general assessment might also adopt specified creeds. The next two editions of the paper (November 15 and November 22), however, ran a long letter urging that each county should have to support some Christian minister to prevent continued degeneration of morals.



dence of the politicization of dissenters, as it was formed for the express purpose of representing all Virginia Baptists before the General Assembly on matters of mutual concern, a far cry from previous Baptist associations, membership in which was largely doctrinal. In their November 1784 petition, the Baptists sought resolution of the vestry and marriage issues, but did not mention a general assessment. Oddly, the minutes of the Dover meeting indicate that the Baptists specifically rejected a general assessment, but this was not recorded in their petition. In fact, the Baptist request in their petition “that all Distinctions in your Laws may be done away, and that no order, or Denomination of Christians in this Commonwealth, have any Separate Privileges allowed them more than their Brethren of other Religious Societies...” may have been read by some as an implicit approval of both a general assessment and a non-discriminatory incorporation act.<sup>18</sup>

Six days later, in an apparent attempt to conciliate opponents and co-opt dissenters, the General Assembly passed a resolution calling for a bill to end discrimination in the areas of marriage and vestries – in spite of years of delay, a resolution now adopted without recorded opposition. As in the spring, at the same time, a resolution was adopted supporting incorporation of “all societies of the Christian religion, which may apply for the same.” This latter resolution was also the subject of a recorded vote (62 in favor, 23

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18 The Baptist General Committee was formed on October 9, 1784 from four Baptist associations and was charged “to consider all the political grievances of the whole Baptist society in Virginia, and all references from the District Associations, respecting matters which concern the Baptist society at large.” Quoted in Bitting, *History of the Strawberry Baptist*, 18. An indication of the Baptist growing political sophistication is that the constitution of the General Committee specified that remonstrances to the General Assembly must come from General Committee. *Ibid.* Miscellaneous Petition (November 11, 1784). See Buckley, *Church and State*, 91; Semple, *History of the Baptists*, 95.

opposed) with, not surprisingly, Henry agreeing and Madison opposing. Adding to the legislative maneuvering, the committee to draft the bill on incorporation was headed by Carter Henry Harrison, a supporter of the previously established church, and included Henry. The committee to bring in bills on marriage and vestries included Madison.<sup>19</sup>

Critically, key Virginia political leaders, seeking to again assert their historic leadership of both church and state, supported the general assessment. Most importantly, Patrick Henry used his considerable skills and extensive influence to urge its adoption as a means to rescue civic virtue.<sup>20</sup> Other supporters came from the former gentry establishment. The very popular radical revolutionary Richard Henry Lee joined the call for a general assessment, explaining to Madison that

I conceive the Gen. assessment, and a wise digest of our military laws are very important concerns; the one to secure our peace, and the other our morals. Refiners may weave as fine a web of reason as they please, but the experience of all times shows Religion to be the guardian of morals – and he must be a very inattentive observer in our Country, who does not see that avarice is accomplishing the destruction of religion, for want of a legal obligation to contribute something to its support.

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19 *JHD* (November 17, 1784), 25. A more detailed discussion of Madison's and Presbyterian opposition to the incorporation proposal is provided in Appendix B: Baptists v. Presbyterians: Leading the Fight for Religious Freedom.

20 Henry's influence in the legislature was impressive. *See, e.g.*, George Mason to Patrick Henry, May 6, 1783, Rutland, ed. *Papers of George Mason*, II:770 (Henry in a position "to do more Good, and prevent more Mischief that [sic] any Man in this State"); Buckley, *Church and State*, 72 and n. 5, citing Letter of John Marshall, December 12, 1783, John Marshall Papers, Library of Congress; Schoepf, *Travels in the Confederation, 1783-1784*, 2, trans. and ed.. Morrison, 56 (Henry "appears to have the greatest influence over the House.").

The establishment stalwart Edmund Pendleton supported the assessment, as did John Marshall and Benjamin Harrison, governor in 1783-84 and 1785 speaker of the House.<sup>21</sup>

Future-governor John Page – a staunch supporter of the Episcopal Church – must have

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21 Richard Henry Lee to James Madison, November 26, 1784, Rutland, Rachal, Ripel, and Teute, eds., *Papers of James Madison*, 8:149. Madison notes Harrison's support. *Ibid.*, 8:390. Brant, *James Madison: the Nationalist*, 343 (support of John Marshall, Philip Barbour, Joseph Jones, William Norvell (chairman religion), Henry Tazewell). Unfortunately for supporters, Richard Henry Lee was not able to exercise his influence effectively as he was representing Virginia as president of the Confederation Congress.

A number of sources overstate support for the assessment. Singleton, "Colonial Virginia as a First Amendment Matrix," 351-52, claims support from Edmund Randolph and James Currie; yet, his cited authorities for do not justify his conclusion. See James Currie to Thomas Jefferson, August 5, 1785, Boyd, Bryan, and Hutter, eds., *Papers of Thomas Jefferson*, 8:342-46; Conway, *Omitted Chapters of History*, 56. Similarly, numerous sources report that Washington supported the assessment. E.g. Henry, *Patrick Henry*, II:211; Cathcart, *Baptists Patriots*, 104; Cobb, *Rise of Religious Liberty*, 495; J.L.M. Curry, *Struggles and Triumphs*, 51. Washington's position was considerably more complex. In declining Mason's request that he sign Madison's *Memorial and Remonstrance* against an assessment, about which more later, Washington wrote

Altho' no mans Sentiments are more opposed to *any kind* of restraint upon religeous principles than mine are; yet I must confess, that I am not amongst the number of those who are so much alarmed at the thoughts of making People pay towards the support of that which they profess, if of the denominations of Christians; or declare themselves Jews, Mahomitans or otherwise, & thereby obtain proper relief. – As the matter now stands, I wish an assessment had never been agitated – & as it has gone so far, that the Bill could die an easy death; because I think it will be productive of more quiet to the State, than by enacting it into a Law; which, in my opinion, wou'd be impolitic, admitting there is a decided majority for it, to the disgust of a respectable minority. – In the First case, the matter will soon subside; – in the latter it will rankle, & perhaps convulse the State.

Washington to George Mason, October 3, 1785, Rutland, ed., *Papers of George Mason*, II:832 (spelling as in original). This is hardly a ringing endorsement. Washington assumed tax relief for non-Christians which the bill did not provide (funds not designated for a Christian denomination would go to "seminaries of learning," which were generally run by ministers). *Virginia Journal and Alexandria Advertiser*, March 17, 1785; Brant, *James Madison, The Nationalist*, 346-47 (Anglican parsons generally ran schools). Further, Washington saw, as Henry and his allies did not, that, given changes in Virginia, religious issues would create division, something which Washington sought to avoid.

reflected the views of many members of the Assembly when he urged on his friend, Thomas Jefferson, the necessity of a general assessment in order to save the Episcopal Church and prevent the victory of “Enthusiastic Bigottry” [sic] – read dissenters.

Fontaine [a minister] has been almost starved; Andrews has quitted his Gown, he says, to avoid starving. Nothing but a general Assessment can prevent the State from being divided between immorality, and Enthusiastic Bigottry [sic]. We have endeavored 8 years in vain to support the rational Sects by voluntary Contributions. I think I begin to see a Mischief arising out of the Dependence of the Teachers of the Christian Religion on their individual Followers, which may not only be destructive to Morality but to Government itself.... I have just read an outrageous Piece against the Assessment, in which your Opinion is quoted and referred to....<sup>22</sup>

With the assessment proposal evidently headed for easy enactment, the Presbytery of Hanover, which had previously opposed a general assessment, offered what appeared to be lukewarm support in another extended petition. This significantly boosted the assessment’s prospects. Presbyterian minister John Holt Rice, who was in a position to know, wrote in 1826, “the general belief was that the measure [the assessment] would be carried in spite of all opposition. Under this impression, the Presbytery resolved to attempt by remonstrances to the Legislature, so to modify the plan, as to make it as harmless as possible.” Certainly, the Presbytery’s position was highly caveated, noting that “[s]hould it be thought necessary at present for the Assembly to exert this right of supporting Religion in General by an Assessment on all the people; we would wish it to be

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22 August 23, 1785, Boyd, Bryan, and Hutter, eds., *Papers of Thomas Jefferson*, 8:428-29. Interestingly, at least one contemporary supporter, Governor Harrison, told Jefferson (watching anxiously from Paris) that he thought it “doubtful” that the bill would make it through the House. Benjamin Harrison to Thomas Jefferson, November 12, 1784, Boyd, Bryan, and Hutter, eds., *Papers of Thomas Jefferson*, 7:519. Harrison as a member of the assembly worked for the assessment’s passage.

done on the most liberal plan” and that the legislature should adopt no articles of faith nor regulate modes of worship. Still, the net effect of the Presbytery petition was to allow supporters of an assessment to claim overwhelming public support.<sup>23</sup>

Within weeks, a new marriage law had been enacted removing most restrictions on dissenters (albeit, only after difficult negotiations with a conservative Virginia Senate which demanded continued restrictions on itinerants),<sup>24</sup> and the Protestant Episcopal Church had been incorporated (with the prospect of other churches being incorporated in the future).<sup>25</sup> The Act for Incorporating the Protestant Episcopal Church passed in a 47-

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23 Miscellaneous Petition (November 12, 1784). *Compare* Miscellaneous Petition (October 24, 1776); Miscellaneous Petition (June 3, 1777). Rice, “Memorials to the General Assembly,” 38. The 1784 Presbyterian petition has been highly controversial for over 200 years. *See* Appendix B: Baptists v. Presbyterians.

24 *JHD* (December 16, 1784), 68; *JHD* (December 28, 1784), 81. By December 24, after the original House marriage bill was rejected in the Senate, Mann Page was asked to bring in a new bill. *JHD* (December 24, 1784), 79. The bill finally enacted provided the relief sought with one exception, it still forbade itinerants performing marriages. Hening, ed., *Statutes*, XI:504. With Methodists being the evangelicals most dependent upon itinerants at this time, it is possible that the Senate’s Episcopal leadership was targeting them, and it may not be purely happenstance that as the Senate met the Methodists were meeting in Baltimore officially to break relations with the Episcopal Church. Bennett, *Memorials of Methodism in Virginia*, 210.

25 The decision to incorporate the Episcopal Church directly, rather than providing a general incorporation law applicable to all churches, elicited dissenter outrage and was to prove costly to establishment supporters. Miscellaneous Petition (November 12, 1784). Certainly there is good evidence that the Assembly would have incorporated other churches upon request. Edmund Pendleton expressed this view when he reported to Richard Henry Lee on the new law:

[The vestries’] power, I am told, is confined to the affairs of the church, and that there are to be overseers of the poor in each parish, elected by the people at large, to make the right of representation as extensive as the power of taxation, and to avoid all suspicion of partiality in the assembly, to the church. The act was preceded by a resolution that they would pass laws for incorporating any society of Christians, who should desire it. I

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38 (recorded) vote. Several things are notable about this. Whatever the intent, failure to adopt a general incorporation law and the decision to legislate forms of Episcopal governance directly deeply angered Presbyterians and sank any hope for their support, even if guarded, for an assessment. Establishment supporters were surprised by the vehemence of the continued opposition, particularly as the provision which had ostensibly been most objectionable – the incorporation of the clergy separate from the laity – had been removed. Madison, reversing his prior position, voted in favor of the incorporation bill, later explaining that his support of incorporation served the more important goal of defeating the assessment bill as he desperately sought to placate supporters of the Episcopal Church and to drive a wedge further between the Presbyterians (who were now vociferously opposed to incorporation) and Episcopalians.

I consider the passage of this [Incorporation] Act however as having been so far useful as to have parried for the present the Genl. Assesst. Which would otherwise have certainly been saddled upon us: & If it [the Incorporation Act] be unpopular among the laity it will be soon repealed, and will

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am not able to discover in this law, any thing which can justly alarm any other society, no more than in another bill, (which is put off till the next session) for a general assessment to support religious teachers, with a right of appropriation in the prayer [sic]; yet in both some very sagacious gentlemen, can spy designs to revive the former establishment, which I believe, do not exist in the minds of any member of that church, the clergy and a few monarchy men excepted.

Edmund Pendleton to Richard Henry Lee, February 28, 1785, Mays, ed., *Letters and Papers of Edmund Pendleton*, II:474. Pendleton was also prematurely optimistic on overseers of the poor. While overseers may have been contemplated – and were included in the November 17 resolutions – failure to address this issue in 1784 must have further excited dissenters' suspicions.

be a standing lesson to them of the danger of referring religious matters to the legislature.<sup>26</sup>

Unfortunately for Episcopal stalwarts, in the interim Henry had been removed from the House by elevation to governor, removing the assessment's most powerful floor leader.<sup>27</sup>

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26 Hening, ed., *Statutes*, XI (1784):532. Henry, *Patrick Henry*, II:206. James Madison to James Madison, Sr., January 6, 1785, Rutland, Rachal, Ripel, and Teute, eds., *Papers of James Madison*, 8:217. Incorporation was repealed in 1786. Hening, ed., *Statutes*, XII (1786):266.

27 Henry's election to governor is often characterized as a plan by Madison to remove Henry from the assessment debate. *E.g.* Brant, *James Madison: The Nationalist*, 345-46; Meade, *Patrick Henry: Practical Revolutionary*, 281-82. Writing Monroe shortly after the election, Madison reported "Mr. Henry the father of the [assessment] Scheme is gone up to his Seat for his family & will no more sit in the H. of Delegates, a circumstance very inauspicious to his offspring." James Madison to James Monroe, November 27, 1784, Rutland, Rachal, Ripel, and Teute, eds., *Papers of James Madison*, 8:157-58. *See also* Madison to Monroe, December 4, 1784, *ibid.*, 8:175. Yet, one might question Madison's brilliant engineering of a reverse palace coup. Benjamin Harrison, having completed three terms as governor, could not run again; Henry was a logical choice for governor and appeared more than willing to accept. Meade, while stating that it "appears likely that the Madison party worked successfully to help get Henry out of the House," notes that Henry must have been sure of the assessment's success and that he had other reasons to accept the position, including that Richmond was a "more interesting place for his [Henry's] aristocratic wife and gave access to more potential husbands for his marriageable daughters," both of whom were married within 18 months of his election. Meade, *Patrick Henry: Practical Revolutionary*, 282-83. Eckenrode suggests that Henry was a silent co-conspirator in his removal from the legislative debate over assessment – recognizing its unpopularity with the "people" – but this speculation may be a bit too melodramatic. Eckenrode, *Revolution in Virginia*, 297. This suggestion may emanate from wishful thinking of legislators who hoped that Henry would not risk his popularity by championing the assessment bill – a wish which obviously proved futile. Edmund Randolph to Thomas Jefferson, May 5, 1784, Boyd, Bryan, and Hutter, eds., *Papers of Thomas Jefferson*, 7:260. Some indication of Henry's interest is provided by the fact that even after he was elected governor but before his term began, he accepted the chairmanship of the committee to draft the assessment bill. *JHD* (November 17, 1784), 24-25.

In December, Jefferson wrote to Madison that "[w]hat we have to do I think is *devoutly to pray for his [Henry's] death...* I am glad the *Episcopalians* have again shewn [sic] their teeth and fangs. The *dissenters* had almost forgotten them." Thomas Jefferson to James Madison, December 8, 1784, Boyd, Bryan, and Hutter, eds., *Papers of Thomas Jefferson*, 7:558 (italics originally in cipher). While the first part of this quotation has

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While the general assessment had a substantial majority of support on November 11, over these ensuing weeks of legislative activity, Madison skillfully moved to placate supporters and to mobilize opposition.<sup>28</sup> Throughout the debate, Madison and his allies often insisted upon recorded votes (which were not the norm in the General Assembly), although Madison later suggested the importance of this device as some supporters of the general assessment were defeated at the polls before the critical 1785 term. Sometime in late December, Madison made one of his rare floor speeches, taking the opportunity to urge that religion was not within the jurisdiction of the House and that any assessment would trap the legislature into questions of orthodoxy. Finally, on December 24, 1784, in another recorded vote, by a 45 to 38 margin, Madison was able to gain a delay in the final consideration of the general assessment so that the proposed bill might be publicized and

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been attributed to concern over a general assessment, Brant, *James Madison: The Nationalist*, 345; Singleton, "Colonial Virginia as a First Amendment Matrix," 355; Dreisbach, "Church-State Debate," 150, in context it appears to refer to Jefferson's and Madison's desire to have a new Virginia constitution adopted without Henry's participation. Reticence to reopen a constitutional debate in Virginia is also evident in the adoption of Jefferson's Statute for Establishing Religious Freedom rather than placement of those provisions in a new constitution.

28 During the legislative jockeying in November and December, some petitions began to arrive in opposition to the general assessment, e.g. Rockingham County, *JHD* (November 18, 1784), 26, see also *Virginia Gazette and Weekly Advertiser*, November 13, 1784 (100 inhabitants of Botetourt County urge their delegates to oppose a general assessment), but at this stage most petitions continued to support an assessment. See Lunenburg, Mecklenburg, and Amelia Counties ("the stability of our government, and the preservation of peace and happiness amongst the individuals of it, depend in a great measure on the influence of religion") and Halifax County. *JHD* (November 20, 1784), 29. Also, Dinwiddie, Amelia and Surry, supporting general assessment, *JHD* (December 3, 1784), 51. See also letter from Prince Edward inhabitants supporting a general assessment, *Virginia Gazette and Weekly Advertiser*, November 20, 1784.



the citizenry asked for its views. With Madison having narrowed support among eastern leaders, this vote to delay, perhaps the critical vote in this entire interlude, was carried by the western (largely dissenter) delegates, with delegates from counties formed after 1776 voting 11-1 in favor of the delay. Equally important, immediately after agreeing to the delay, the House adopted a resolution providing for printing the proposed bill, along with the recorded vote to delay its consideration, for distribution throughout the Commonwealth so that the opinion of the people might be heard.<sup>29</sup> This request for the views of the people was to play an important part in the ultimate defeat of the assessment.<sup>30</sup>

All told, 1784 evidenced a dramatic reversal in the treatment of issues of religious freedom by Virginia's political leadership. Whereas the war years were marked by intense negotiations and dialogue among the establishment and dissenters with regular liberalizations to satisfy dissenter demands, and the immediate post-war years were marked

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29 Rutland, Rachal, Ripel, and Teute, eds., *Papers of James Madison*, 8:197-99. *JHD* (December 24, 1784), 78-79. Isaac says that support for the general assessment, "[b]y the third reading," had dropped to 44 in favor to 42 opposed. *Transformation*, 284. In fact, the bill never received a third reading. Isaac is referring to the motion in the Committee of the Whole to engross the bill and return it to the House after the unsuccessful effort to remove the term "Christian." James Madison to James Monroe, December 24, 1784, *Papers of James Madison*, 8:200. While Madison had certainly chipped away at the bill's support, the vote to engross is not necessarily the best indicator of that fact.

30 The *Virginia Journal and Alexandria Advertiser*, for example, printed the bill and the vote on March 17, 1785, shortly before the new election. This was followed by a letter opposing the bill and urging Virginians to elect representatives "most favorable to the religious, as well as to the civil rights of their constituents" and to send petitions opposing the assessment to the Assembly. *Virginia Journal and Alexandria Advertiser*, March 31, 1785; April 7, 1785. A week later another letter opposing a general assessment urged citizens to support instead the Bill for Establishing Religious Freedom. *Ibid.*, April 14, 1785. The *Virginia Journal* later published Madison's "Memorial and Remonstrance" against an assessment (discussed further below). November 17, 1785. This newspaper campaign, however, met opposition from the *Virginia Gazette or American Advertiser* which published letters in support of an assessment. August 6, 1785; August 13, 1785.

by establishment leaders quietly ignoring continued dissenter claims and religious matters generally, 1784 saw an effort by the former establishment to regain some of what had been lost. And, at least initially, it appeared to be very successful: The Protestant Episcopal Church had been incorporated and a general assessment seemed to be on the verge of adoption.

The Anglican leaders, however, appeared ignorant of how much had changed in the Old Dominion. Madison's careful maneuvering to permit the assessment to be referred to the people for comment was, in fact, the death knell for an assessment and, as the former dissenters flexed their political muscle, not just in western counties, but throughout the Commonwealth, the result would be not only defeat of the assessment and repeal of the Episcopal incorporation but the adoption of Jefferson's Statute for Establishing Religious Freedom, putting an end to Virginia's establishment.

### **Dissenters Flex a New-found Political Muscle**

With the delay engineered by Madison, passage of the general assessment no longer appeared a *fait accompli*. The Presbyterians had an opportunity to revisit the issue, and other sects, notably the Baptists, had an opportunity to rally in opposition. At this point, the story of the general assessment's defeat and adoption of the Statute for Establishing Religious Freedom is largely the conventional story of massive petitioning of the House, including Madison's famous *Memorial and Remonstrance* against an assessment. Once again, though, the tone of the petitions changed. Now, rather than the supplicants who hoped for toleration in 1775 and religious freedom in 1776, or the disgruntled dissenters who sought final reforms in 1781-84, the formerly dissenting churches

rose in coordinated campaigns which demanded a political resolution in the name of political equals who had played a key role (what they perceived as “the” key role) in the Revolution. As 1785 progressed, it became clear that the dissenters were wholly politicized – not only demanding reform in a petitioning campaign, but doing so in a public and coordinated manner. The effort of Virginia’s Tidewater gentry to recapture some stature for the formerly established church was simply swept away.

The politicization of the dissenters was first evidenced in their own internal struggles. As previously noted, the Baptists organized the General Committee expressly for political purposes in the fall of 1784. When the Hanover Presbytery met on May 19, 1785, the clergy, who traditionally commanded broad deference, were confronted by a petition from Augusta County laity demanding to know what the clergy had intended by the November 1784 petition supporting a general assessment (even if with caveats). Recognizing now not only that the general assessment was not inevitable, but that their own laity was deeply troubled by their prior stance, the Presbyterian clergy quickly changed course and on a motion “[w]hether they approve of any kind of an Assessment by the General Assembly for the support of Religion,” they decided that the “Presbytery are un-animously against such a Measure.”<sup>31</sup> Additional meetings of Presbyterians continued

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31 Hanover Presbytery Minutes: 1755-1823, May 19, 1785, microfilm reel P278a (Union Theological Seminary, Richmond). See also Foote, *Sketches of Virginia*, 341. Immediately after the Presbyterian about-face, Madison wrote Monroe that “[t]he Presbyterian Clergy too who were in general friends to the scheme [general assessment], are already in another tone, either compelled by their laity of that sect, or alarmed at the probability of further interferences of the Legislature, if they once begin to dictate in matters of Religion.” May 29, 1785, Rutland, Rachal, Ripel, and Teute, eds., *Papers of James Madison*, 8:286.

throughout the summer and fall, with a Presbyterian convention at Bethel on August 10 emphatically rejecting any assessment and urging local meetings to do the same (resulting in a series of Presbyterian petitions to the General Assembly simply citing the Bethel result). The petition from Bethel began by reminding the House that the Presbyterians during the war had “willingly defended it [the state] with the foremost, & at the risk of every thing dear to us...,” but this petition was clear and emphatic about Presbyterian opposition to a general assessment and its political unacceptability.

We oppose the Bill ~ Because it is a Departure from the proper line of Legislation ~ ... It establishes a precedent for further Encroachment, by making the Legislature a judge of religious Truth ~. If the Assembly have a right to determine the preference between Christianity & the other Systems of Religion that prevail in the world, they may also, at a convenient time, give a preference to some favoured sect among Christians ~<sup>32</sup>

The Baptists – who had been oddly publicly silent on the assessment in 1784 – also organized in opposition, particularly at meetings in Powhatan on August 13 and in Orange County on September 7. Baptist and Presbyterian opposition was joined by Quakers and Methodists and some Episcopalians. The result was a flood of petitions in opposition from across the state. One historian recorded – too optimistically – that “[w]hen the Assembly re-assembled in October, the table almost sank under the weight of

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32 See, e.g., Miscellaneous Petitions (November 12, 1785) (a series of petitions from multiple sources all referring to the meeting at Bethel), Frederick and Berkeley Counties (November 12, 1785), Prince Edward County (November 12, 1785), Berkeley County (November 18, 1785). Miscellaneous Petitions (November 2, 1785).

the adverse petitions and remonstrances, and the measure was abandoned without a struggle."<sup>33</sup> Madison wrote Jefferson:

The steps taken throughout the Country to defeat the Genl. Assessment, had produced all the effect that could have been wished. The table was loaded with petitions & remonstrances from all parts against the interposition of the Legislature in matters of Religion. A General convention of the Presbyterian church prayed expressly that the bill in the Revisal [Jefferson's Statute for Establishing Religious Freedom] might be passed into a law, as the best safeguard short of a constitutional one, for their religious rights.<sup>34</sup>

Upon the reconvening of the Assembly, it was clear that the general assessment was, at best, in deep political trouble. Some indication of the extent of the turn-around is evident in the decision of the new speaker, Benjamin Harrison, an establishment supporter, to appoint Zachariah Johnston, a prominent Presbyterian, as the chairman of the Committee for Religion. Johnson's inclination can be seen in what is reported of a speech that he gave on the assessment:

I am a Presbyterian, a rigid Presbyterian as we are called; my parents before me were of the same profession; I was educated in that line. Since I became a man, I have examined for myself, and I have seen no cause to dissent [from Presbyterianism]. But, sir, the very day that the Presbyterians shall be established by law, and become a body politic, the same day

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33 For petitions from Baptist meetings, *see, e.g.*, Powhatan County (November 3, 1785), Orange County (November 17, 1785). James, *Documentary History*, 136-38. Leland, *Virginia Chronicle*, 32n. Miscellaneous Petition (November 14, 1785) (Quakers). J.L.M. Curry, *Struggles and Triumphs*, 52 (quote). *See also* Riley, *History of the Baptists in the Southern States*, 101 ("the great table in the Assembly hall almost sank under the weight of the petitions and remonstrances against the general assessment measure").

34 Madison to Jefferson, January 22, 1786, Rutland, Rachal, Ripel, and Teute, eds., *Papers of James Madison*, 8:473. (As noted, while Madison and Jefferson favored a Virginia constitutional convention in principle, they feared Henry's likely dominance of such a meeting.)

Zachariah Johnston will be a dissenter. Dissent from that *religion* I cannot in honesty, but from that establishment I will.

In fact, the assessment proposal never received a third reading. Foote reports that the bill was taken up by the Committee of the Whole, but votes could not be obtained even to return the bill to the floor of the House; “when the question was called the bill was lost in the committee by a majority of three votes.”<sup>35</sup>

While this period of petitioning and defeat of the assessment bill is reviewed extensively elsewhere, several aspects of the 1785 debate are worthy of special consideration. First, not surprisingly, Presbyterian flirtation with the general assessment in 1784 has led to a warm sectarian battle about which denomination had the greatest influence on the proposal’s defeat – and, thus, a claim to be the “true” proponents of American religious freedom. Certainly the Baptist position had been more consistent, and, as noted below, they were responsible for the most popular of the petitions opposing the assessment, but the political clout of the Presbyterians – and the importance of getting the Presbytery to reverse its apparent approval of an assessment in 1784 – should not be underestimated. William Wirt Henry concludes that the Presbyterians were so much more populous than Baptists that opposition to the general assessment became known as “a Presbyterian movement.” Madison, while not expressly crediting Presbyterian influence (after his deep anger at their limited endorsement of an assessment in the previous session),

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35 JHD (October 29, 1785), 2-3. Wilson, *Tinkling Spring*, 226-27. Foote, *Sketches of Virginia*, 431. Grigsby questions Foote’s conclusion and suggests that the bill may have finally been defeated as an amendment to some other bill. Grigsby, *History of the Virginia Federal Convention of 1788*, II:124, cited in Lohrenz, “Virginia Clergy,” 351. Foote’s conclusion seems more likely.

noted that the greatest opposition to General Assessment was from “the middle and back Counties, particularly the latter.” This was the region where Presbyterians dominated. Similarly, Edmund Randolph wrote Arthur Lee before the 1785 Assembly session began: “Religion will form a capital figure in the debates of the next Assembly. The Presbyterians will have a sufficient force to prevent the general assessment, possibly to repeal the act of incorporation. The delegates from those counties in which the majority is of that persuasion are expected with full and pointed instructions on both heads.” Of course, the Presbyterians contributed to the risk of adoption of a general assessment with their November 1784 petition guardedly supporting it; still, historians who discount the Presbyterian influence on the 1785 reversal of the House of Delegates simply ignore the facts. For these purposes, the adamancy with which each denomination sought to seize the role of political “kingmaker” in defeat of the assessment and adoption of Jefferson’s statute is telling; each group, previously largely excluded from the polity, sought to claim the mantle of “real Americans” for their role in the war and their increasing role in the political process.<sup>36</sup>

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36 Henry, *Patrick Henry*, II:208. Madison to James Monroe, June 21, 1785, Rutland, Rachal, Ripel, and Teute, eds., *Papers of James Madison*, 8:306. Edmund Randolph to Arthur Lee, September 24, 1785, Conway, *Omitted Chapters*, 163. Madison earlier acknowledged that the assessment bill “produced some fermentation below the Mountains & a violent one beyond them.” Madison to Jefferson, April 27, 1785, Rutland, Rachal, Ripel, and Teute, eds., *Papers of James Madison*, 8:268. For Baptist histories which dismiss or denigrate the Presbyterian effort, see, e.g., Ryland, *Baptists of Virginia*, 125-26 (noting only Presbyterian petition supporting assessment and “[t]he Baptists were the only organized group that opposed the assessment”); Riley, *History of the Baptists in the Southern States*, 100 (Baptists “never stood more alone”); Semple, *History of the Baptists*, 97-98 (defeat of assessment “may, in a considerable degree, be ascribed to the opposition made to it by the Baptists.... The Baptists, we believe, were the only sect who plainly remonstrated.”). For a discussion of a denomination’s use of support for  
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Second, there is some suggestion that the pendency of the general assessment bill had a significant impact on the election of 1785. Madison reports that “[t]he printed Bill has excited great discussion and is likely to prove the sense of the Community to be in favor of the liberty now enjoyed. I have heard of several Counties where the late representatives have been laid aside for voting for the Bill, and not a single one where the reverse has happened.” Edmund Pendleton, in a letter of April 18, 1785, suggested to Richard Henry Lee that the election might be difficult for those supporting the assessment. Others reported that the 1785 election was particularly sharp for a number of reasons.<sup>37</sup> On the other hand, the impact of the bill on the 1785 election is difficult to show analytically as the election results as a whole do not show a clear pattern between those supporting and opposing the December 24 vote to delay the general assessment – the vote which was published with the text of the bill. In the end, the political demands of dissenters throughout the state, not to mention the increasing number of western legislators in the House, had more significance than the election of 1785 *per se*.<sup>38</sup> Still, the perception of

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the Revolution to encourage membership, *see, e.g.*, Irons, “Spiritual Fruits,” 166. *See also* Appendix B: Baptists v. Presbyterians.

37 Madison to James Monroe, May 29, 1785, Rutland, Rachal, Ripel, and Teute, eds., *Papers of James Madison*, 8:286. *See also* Madison to James Monroe, April 28, 1785, *ibid.*, 8:272 (James Pendleton, a colonel during the Revolution and former sheriff of Culpeper, lost because of support for assessment). Mays, *Papers of Edmund Pendleton*, II:478. Archibald Stuart to Jefferson, October 17, 1785, Boyd, Bryan, and Hutter, eds., *Papers of Thomas Jefferson*, 8:645-46.

38 *See* Buckley, *Church and State*, 116-17 (questioning impact of assessment on election). With the appearance of delegates from the counties of Harrison and Nelson in the 1785 House, the net increase in delegates from western counties since 1776 was 32 in a house of 156 members; this is significant, particularly given the extremely lopsided vot-

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the political impact of the proposal and opposition to it evidences a change in the political fortunes of former dissenters, with opposition to an establishment proposal now appearing as a political asset.

Third, during the summer of disquiet in 1785, James Madison was convinced by George Mason and George Nicholas to draft his famous *Memorial and Remonstrance*.<sup>39</sup> This *Memorial*, initially an anonymous publication, has long held an important place among icons of American religious liberty as a classic statement of the reasons for a clear separation of church and state; it has been called “one of the truly epoch-making documents in the history of American Church-State separation.”<sup>40</sup> The *Memorial* has fifteen

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ing pattern of the western (dissenting) counties against an assessment and in favor of broad religious freedom. This pattern was likely to continue (even with the anticipated departure of Kentucky from the Commonwealth). The 1786 House added another four delegates from western counties (Franklin and Hardy). Still, western votes alone could not have defeated the general assessment, particularly given the continued lower attendance rate from distant western counties. For example, in the critical 1784 vote to delay, only 40% of delegates from counties formed after 1776 voted, compared to 58% for older counties (more likely to be dominated by Episcopalian gentry leadership).

39 George Nicholas urged Madison to drafting, arguing that “[a] majority of the counties are in favor of the measure but I believe a great majority of the people against it,” as had, apparently, his brother Wilson Cary Nicolas. Later in life, Madison recalled the influence of George Mason and George Nicholas in encouraging his action. George Nicholas to James Madison, April 22, 1785, Rutland, Rachal, Ripel, and Teute, eds., *Papers of James Madison*, 8:264; editorial note, 8:295. For a full copy of the *Memorial and Remonstrance*, see *ibid.*, 8:298-304.

40 Stokes, *Church and State*, I:391, quoted in Rutland, Rachal, Ripel, and Teute, eds., *Papers of James Madison*, 8:297. See Boyd, Bryan, and Hutter, eds., *Papers of Thomas Jefferson*, 8:416n, editors refer to the *Memorial and Remonstrance* as a “staggering blow struck in defense of religious liberty, which at a single stroke destroyed the attempt ‘to establish a general assessment for the support of all Christian sects’ and also had other far-reaching consequences.” See also Brant, *James Madison, The Nationalist*, 350 (“The political effect of this remonstrance was staggering”).

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clauses posing arguments in opposition to a general assessment and state involvement in religion generally. The arguments include, most notably, a reference to Article 16 of the Virginia Declaration of Rights that only reason and conviction can direct conscience and that religion was not, therefore, within the jurisdiction of the assembly, and that the bill is “adverse to the diffusion of the light of Christianity.” In response to the argument that “civic virtue” was necessary to a republic and religion to “civic virtue,” Madison did not question the necessity of civil virtue or of religion to promote it, but, rather, explained that historically establishments had done more harm than good to the cause of religion.<sup>41</sup>

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Both Baptist and Presbyterian historians claim that their sects were progenitors of the *Memorial and Remonstrance*. Appendix B: Baptists v. Presbyterians. The editors of Madison’s papers take a reasonable course in noting that “[a]ssertions of intellectual dependence are often based on slender textual coincidences, but there are a number of similarities between the views of JM [James Madison] and [John] Locke toward religious ties between church and state.” Rutland, Rachal, Ripel, and Teute, eds., *Papers of James Madison*, 8:297, citing John Locke’s “Letter on Toleration.” In fact, as discussed further in Chapter 6, Madison’s views on religious freedom were considerably broader than Locke’s. While Madison no doubt learned from Presbyterian and Baptist interests, as well as Locke, it is probably only fair to attribute the *Memorial* to Madison himself.

41 Rutland, Rachal, Ripel, and Teute, eds., *Papers of James Madison*, 8:298-304. Ultimately, the question of the role of “civic virtue” in a republic was largely answered in America by the decision to create checks and balances among the various branches of government and a federal system balancing state and federal rights (so that, even if not wholly virtuous, civil leaders would be restrained). See, e.g. Wood, *Creation of the American Republic*, 65-70, 117-18, 427-29.

Madison does take liberties in his *Memorial*, for example implying that Quakers and Mennonites would be exempt from a “compulsive support of their Religions” – in fact, funds from Quakers and Mennonites were simply to be for the use of their denominations rather than paid to a teacher or minister – and ignoring the option of persons to not designate a religion and have their taxes used for “seminaries of learning” (which were largely the province of clergy). (Madison reported to Jefferson that the provision for seminaries of learning was a significant loophole, but that the statute was still “chiefly obnoxious on account of its dishonorable principle and dangerous tendency.” James

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Yet, while the *Memorial* may be one of the most eloquent statements on religious freedom in American history, the pivotal role that it played in the petitioning campaign against a general assessment and the adoption of the Statute for Establishing Religious Freedom is often overstated, implicitly diminishing the political influence of the Baptists and Presbyterians which made itself evident in 1785. In terms of the pure volume of petitions and signatures, the *Memorial* was dramatically overshadowed by a Baptist petition that expressed deep concern over the potential damage that a general assessment – and the resulting entanglement of government and religion – would do to the churches and, in particular, its inconsistency with “the Spirit of the Gospel.”<sup>42</sup> One count shows that the House of Delegates received thirteen copies of the *Memorial and Remonstrance* with 1552 signatures while receiving twenty-nine copies, with 4899 signatures, of various editions of the “Spirit of the Gospel” protest. Presbyterians tended to rally around a simple petition which endorsed the detailed position taken at the Presbyterian Convention at Bethel in early August; more copies of the Presbyterian petition were also received by the

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Madison to Thomas Jefferson, January 9, 1785, Boyd, Bryan, and Hutter, eds., *Papers of Thomas Jefferson*, 7:595.) Madison did not likely, as Buckley suggests, misinterpret the bill and the nature of Quaker and Mennonite polity. Buckley, *Church and State*, 134.

42 See, e.g., Surry County (October 26, 1785), Cumberland County (October 26, 1785), Nansemond County (October 27, 1785), Henry County (October 27, 1785), Charlotte County (October 27, 1785). Buckley, *Church and State*, 148. Semple notes that the Baptist convention meeting that August urged local churches to petition the Assembly against the assessment bill which was “repugnant to the spirit of the Gospel.” Semple, *History of the Baptists*, 96. Buckley concludes that “the Baptists had experienced for the first time the success of their own political efforts.” Buckley, “Keeping Faith,” 430.

Assembly than the *Memorial*.<sup>43</sup> This is not to diminish the continuing significance of the *Memorial and Remonstrance* as a statement of the necessity of religious freedom and strict separation of church and state, but in Richmond, in the fall of 1785, the petitions under which the table groaned owed more to the political demands of former dissenters.

Fourth, while the opposition to the measure ultimately overwhelmed its proponents, the support for the general assessment and the extent that its defeat in 1785 was the result of a critical and difficult political battle in response to an optimistic and resurgent establishment have generally been underestimated. As noted above, Washington wrote to Mason with apparent confidence that the majority of people seemed to support the assessment. George Nicholas noted his belief that “[a] majority of the counties are in favor of the measure but I believe a great majority of the people against it.” This could have easily resulted in the provision’s adoption in the county-dominated House of Delegates.<sup>44</sup> Even the petitioning is not as one-sided as some suggest. After November 11, 1784 when the measure received a favorable vote in the General Assembly, seventy-nine petitions were received in opposition to a general assessment while twenty supported it, and this count ignores the seven petitions received on the subject from November 1783 until No-

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43 Rutland, Rachal, Ripel, and Teute, eds., *Papers of James Madison*, 8:297. Interestingly, the *Papers of Jefferson* focus more on the *Memorial and Remonstrance* than do the *Papers of Madison*. Compare Boyd, Bryan, and Hutter, eds., *Papers of Thomas Jefferson*, 8:416-17n.

44 George Washington to George Mason, October 3, 1785, Rutland, ed., *Papers of George Mason*, II:831-32. George Nicholas to Madison, April 22, 1785, Rutland, Rachal, Ripel, and Teute, eds., *Papers of James Madison*, 8:264.

vember 1784, each urging that some general assessment be adopted.<sup>45</sup> While historian Thomas Buckley notes that support for an assessment came “principally” from the Tidewater region of the Northern Neck and the Southside, the pattern is somewhat less clear if one includes the 1783-1784 petitions, not to mention the petitions supporting an assessment from the Episcopal Clergy and, initially, the Presbytery. William Foote’s conclusion that even after the influx of petitions the proposal to bring the assessment forward for a third reading was defeated by only three votes in the Committee of the Whole is an indication of how highly contested this matter was. Given the opposition to an assessment evident in the signatures on the petitions, it is clear that the former establishment continued to have considerable influence in the legislature.<sup>46</sup>

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45 Counting these petitions is art as much as mathematics. First, oftentimes multiple copies of a petition from the same county were received on a single day (in which case this study treats them as one petition unless clearly different, e.g. Goochland County (November 2, 1785) (*Memorial and Remonstrance*) and Goochland County (November 2, 1785) (“Spirit of the Gospel” petition)). Second, in some cases, the county of origin is not clear, such as the eleven “miscellaneous petitions” received on November 12th, all endorsing the Presbyterian Convention decision at Bethel on August 10th. These were treated as one petition. (The same day similar petitions were received from a number of listed counties; these were treated as separate petitions.) Third, some petitions appear in the *Journal of the House of Delegates* without being survived by a hardcopy in the religious petitions database. Thus, Buckley for example concludes that in the 1785 session ninety petitions were received in opposition to a general assessment, eleven in favor. *Church and State*, 145. The editors of the *Papers of James Madison* found about eighty petitions opposed, eleven in favor. Rutland, Rachal, Ripel, and Teute, eds., 8:298. See also Curry, *First Freedoms*, 143 (ninety petitions opposed, eleven in support). While precise figures are elusive, it is clear that these sources underestimate the petitions in opposition and ignore those (all in opposition) from the 1783-84 period.

46 Buckley, *Church and State*, 147 (12 signatures opposed to assessment for every signature in support). Singleton, “Colonial Virginia as a First Amendment Matrix,” 360 (1200 signatures on pro-assessment petitions versus over 10,000 against). (Again, these sources underestimate support of an assessment to some extent.) See also editorial note, Rutland, Rachal, Ripel, and Teute, eds., *Papers of James Madison*, 8:298 (10,929 signatures)  
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For these purposes, what is worthy of note about this well-known petitioning campaign is that: first, both Presbyterians and Baptists sought to claim political credit for the assessment's defeat; second, there is some indication that opposition to the dissenters' position on this issue had real political consequences, or at least was perceived to have such consequences; third, while Madison's *Memorial* has enjoyed a well-deserved fame in the annals of religious freedom, the focus on that document has wrongly tended to disguise the fact that it was the political influence of an activated dissenting community that defeated the assessment, and fourth, a focus on the mass of 1785 petitions in opposition to the assessment tends to obscure how seriously contested this matter was. For those members of the former establishment who, in 1784, believed that their political control would permit the resurgence of the Episcopal Church, 1785 demonstrated how seriously the polity in Virginia was changed by the Revolutionary War in general and the negotiations for religious liberty in particular.<sup>47</sup>

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tures on anti-assessment petitions). Buckley, *Church and State*, 145 and map, 146. Foote, *Sketches of Virginia*, 431. Compare editorial note, Rutland, Rachal, Ripel, and Teute, eds., *Papers of James Madison*, 8:295 ("disestablishment was an accomplished fact, a social symptom of declining interest in organized Christianity").

47 Some urge that "the economic problems of the 1780s undoubtedly played a major role in diminishing enthusiasm for *any* proposal which would result in higher taxes." Bailey, *Popular Influence*, 158. Buckley, *Church and State*, 153. While certainly economic conditions were adverse to a new tax (never mind Virginians' legendary resistance to any tax), this can easily be overstated. First, while farmers suffered poor crops in 1785, in the spring of 1784 when these issues first came to the attention of the Assembly, "[p]rices for corn and tobacco were rising." Editorial note, Rutland, Rachal, Ripel, and Teute, eds., *Papers of James Madison*, 8:36. Others report that 1784 "was one of large yield to the planters." Henry, *Patrick Henry*, II: 215. Tobacco exports were increasing rapidly, albeit prices were weak in 1785 after a relatively good year in 1784. Gray, *History of Agriculture in the Southern United States*, 2:604-05. Contemporary commentary,  
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### An End to Establishment

With the proposal for a general assessment rejected, the former dissenters, with the assistance of James Madison's legislative skills, turned to a permanent end to the establishment and adoption of Jefferson's Statute for Establishing Religious Freedom, finally ending calls for an assessment and codifying the separation of church and state that the dissenters had long sought. While before the Revolution no colony more carefully protected its established church nor more aggressively persecuted dissenters than Virginia, as a result of these developments, by early 1786, no state provided broader protections to religious freedom. This change was far from inevitable; not only was the establishment firmly in control of the Old Dominion before and during the war, but other states did not find such reform necessary at this time. Nothing could speak more clearly of the fundamental change in the Virginia polity which resulted from the war and, in particular, the forced dialogue between Virginia's dissenters and establishment leaders.

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however, rarely focused on economic issues and opposition to taxes generally is rarely mentioned in the scores of petitions. See Pittsylvania County (November 7, 1785); Amelia County (November 9, 1785). "The Humble Petition of a Country Poet" accompanying one Baptist petition urged that the matter was not a question of taxation generally.

Tax all things; water, air and light,  
If need be; yea, tax the *night*,  
But let our brave heroic minds  
Move freely as celestial winds.

Howe, *Historical Collections*, 381. Further, economic conditions might contribute to the defeat of the general assessment, but have a tenuous relation to the adoption of the Statute for Establishing Religious Freedom.

The push for Jefferson's bill was made compelling not only by the outpouring of sentiment for religious freedom evidenced in the 1785 petitions, but by the fact that a number of those petitions specifically endorsed the Bill for Establishing Religious Freedom. Nonetheless, Madison later reported that the bill passed with "warm opposition. Mr. Mercer and Mr. Corbin were the principal Combatants against it."<sup>48</sup> Most notably, when the bill was brought to the floor, an effort was made to replace Jefferson's ringing preamble with Article 16 of the Declaration of Rights, thereby removing some of Jefferson's rationalist justification, perhaps with a hope of leaving some ambiguity as to the statute's scope. The unease among conservatives was not surprising. Jefferson's preamble (as proposed) declared:

Almighty God hath created the mind free.... Being lord both of body and mind, yet chose not to propagate it [religion] by coercions on either, as was in his Almighty power to do, but to extend it by its influence on reason alone; that the impious presumption of legislators and rulers, civil as well as ecclesiastical, who, being themselves but fallible and uninspired men, have assumed dominion over the faith of others, setting up their own opinions and modes of thinking as the only true and infallible, and as such endeavoring to impose them on others, hath established and maintained false religions over the greatest part of the world and through all time: That to compel a man to furnish contributions of money for the propagation of opinions which he disbelieves and abhors, is sinful and tyrannical;...that our civil rights have no dependence [sic] on our religious opinions, any more than our opinions in physics or geometry; that therefore the proscribing any citizen as unworthy the public confidence by laying upon him an incapacity of being called to offices of trust and emolument, unless he profess or renounce this or that religious opinion, is depriving

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48 *E.g.*, Miscellaneous Petitions (November 2, 1785) (Presbyterian convention) and petitions endorsing Presbyterian convention at Bethel. Madison to James Monroe, December 17, 1785, Rutland, Rachal, Ripel, and Teute, eds., *Papers of James Madison*, 8:446. John Francis Mercer had been a Lieutenant-Colonel during the Revolution and later served as a Maryland delegate to the Annapolis Convention and as governor of Maryland. Francis Corbin was a member of an old, influential family from Middlesex.



him injuriously of those privileges and advantages to which, in common with his fellow citizens, he has a natural right; that it tends also to corrupt the principles of that very religion it is meant to encourage, by bribing, with a monopoly of worldly honours and emoluments, those who will externally profess and conform to it;... that the opinions of men are not the object of civil government, nor under its jurisdiction; that to suffer the civil magistrate to intrude his powers into the field of opinion and to restrain the profession or propagation of principles on supposition of their ill tendency is a dangerous falacy, which at once destroys all religious liberty, because he being of course judge of that tendency will make his opinions the rule of judgment, ...; that it is time enough for the rightful purposes of civil government for its officers to interfere when principles break out into overt acts against peace and good order; and finally, that truth is great and will prevail if left to herself; that she is the proper and sufficient antagonist to error, and has nothing to fear from the conflict unless by human interposition disarmed of her natural weapons, free argument and debate; errors ceasing to be dangerous when it is permitted freely to contradict them.

With strong momentum in favor of religious liberty, the proposal to excise the preamble was defeated easily in the House, in a vote of 38 to 66. The bill was then passed and sent to the Senate on a vote of 74 to 20.<sup>49</sup> The more conservative Senate, however, also insisted upon an amendment to remove Jefferson's preamble. Given Senate intransigence, this proposal was ultimately defeated only by Madison's agreement to accept several specific amendments, including deletion of the suggestion that God had intended to propagate religion based on the "influence on reason alone" – an anathema to those relying on the "revealed" religion of scripture – and Jefferson's assertion that "the opinions of men are not the object of civil government, nor under its jurisdiction." Madison later explained to Jefferson that while these amendments "somewhat defaced the composition, it was thought better to agree to than to run further risks, especially as it was getting late in

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49 *JHD* (December 16, 1785) (December 17, 1785), 93-94. While certainly not dispositive, the impact of "new" western counties continued with the counties formed since 1776 voting 2-19 to reject the change in the preamble and 19-1 in favor of the Bill.

the Session and the House growing thin.”<sup>50</sup> Finally, Jefferson’s Bill for Establishing Religious Freedom passed into law in Virginia on January 19, 1786, providing

That no man shall be compelled to frequent or support any religious worship, place, or ministry whatsoever, nor shall be enforced, restrained, molested, or burthened [sic] in his body or goods, nor shall otherwise suffer on account of his religious opinions or belief; but that all men shall be free to profess, and by argument to maintain, their opinions in matters of religion, and that the same shall in no wise diminish, enlarge, or affect their civil capacities.

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50 Boyd, Butterfield, and Bryan, eds., *Papers of Thomas Jefferson*, 2:545, 546, 552 n4, 553 n9. Madison to Jefferson, January 22, 1786, Rutland, Rachal, Ripel, and Teute, eds., *Papers of James Madison*, 8:474. Crucial support for the effort to remove Jefferson’s preamble in the Senate was provided by none other than Archibald Cary (Speaker of the Senate and the dissenters’ consistent antagonist). See *Journal of the Senate ... 1785*, 61. Jefferson also related in his autobiography that:

Where the preamble declares that coercion is a departure from the plan of the holy author of our religion, an amendment was proposed, by inserting the word “Jesus Christ,” so that it should read , “a departure from the plan of Jesus Christ, the holy author of our religion” the insertion was rejected by a great majority, in proof that they meant to comprehend, within the mantle of it’s [sic] protection, the Jew and the Gentile, the Christian and Mahometan [sic], the Hindoo [sic], and infidel of every denomination.

Boyd, Butterfield, and Bryan, eds., *Papers of Thomas Jefferson*, 2:552n. The Journal of the House does not expressly record a discussion concerning this amendment but this does not mean that the proposal was not made, likely in the Committee of the Whole. Madison records the episode somewhat differently, but to the same effect. James Madison, “Detached Memoranda” in Alley, ed., *James Madison on Religious Liberty*, 90. Curiously, the General Assembly’s bills and resolutions file for December 1785 includes an “agreed” resolution of the Committee of Religion that the “Christian [obscured] Religion be the Established Religion of this Commonwealth.” Virginia General Assembly, House of Delegates, Rough Bills, Resolutions, Etc., Rough Bills, 11/1784 – 12/1785, Resolutions 11/1784 – 1/1786, Box 9 (12/1785 file), Library of Virginia, Richmond, VA. The import of this resolution is not clear; it may be simply misfiled or it may refer to this controversy. Buckley suggests that the inclusion of “Jesus Christ” would not have affected the enabling clause, Buckley, *Church and State*, 158 n. 45, but this is politically naïve. Over time, the inclusion of an express reference to Jesus Christ would have provided great fodder for those seeking to have Christianity declared the national religion.

And though we well know that this assembly elected by the people for the ordinary purposes of legislation only, have no power to restrain the acts of succeeding assemblies, constituted with powers equal to our own, and that therefore to declare this act to be irrevocable would be of no effect in law; yet we are free to declare, and do declare, that the rights hereby asserted are of the natural rights of mankind, and that if any act shall be hereafter passed to repeal the present or to narrow its operation, such act will be an infringement of natural right.<sup>51</sup>

Shortly after adoption of the Statute for Establishing Religious Freedom, the House finally passed legislation to create overseers of the poor in all counties, removing the poor tax from control of Episcopal vestries. In the same session, a committee was appointed to review the act of incorporation, and a bill to amend the act received two readings, but the House adjourned before final action was taken. While the 1786 Episcopal Church convention recommended “to the several parishes to present petitions” opposing repeal of incorporation, and several dozen petitions were received, with the Statute for Establishing Religious Freedom in place and now clear Presbyterian and Baptist opposition to incorporation, the 1786 session the House resolved to let any church hold property, to repeal incorporation (with its provisions authorizing forms of governance for the Episcopal Church) and to repeal all laws on governance of church worship or polity.<sup>52</sup>

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51 Hening, ed., *Statutes*, XII:84, 86.

52 *Ibid.*, XII:27-30; *JHD* (December 30, 1785), 117. *JHD* (January 16, 1786), 141. *Journals of the Conventions of the Protestant Episcopal Church in Virginia*, 13, in Hawks, *Ecclesiastical History*. *JHD* (January 6, 1787), 142; Hening, ed., *Statutes*, XII:266.

Thirty-six petitions were received against repeal. Buckley, *Church and State*, 167. *See, e.g.*, Episcopal petition (December 5, 1786). Of the thirty-four petitions that urged repeal, many complained primarily of the granting of the pre-1776 property bought with tax dollars to the Episcopalians. *E.g.* Miscellaneous Petitions (November 2, 1785) (Presbyterian); Miscellaneous Petitions (November 17, 1785) (Baptist); Rockbridge County (November 2, 1785); Chesterfield County (December 9, 1785); James City Coun-  
(footnote continued)

The Statute for Establishing Religious Freedom was welcomed heartily by the dissenters and, for that matter, many of the established church. Over a longer period, Jefferson's Statute, and the debate surrounding its adoption, played a central role in the development of religious freedom in America.<sup>53</sup>

### Conclusion

Even though squabbles would continue, with the adoption of the Statute for Establishing Religious Freedom, the dissenters had effectively achieved and codified the religious liberty which was so lacking before the Revolution and for which they had ne-

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(footnote continued)

ty (December 9, 1785). Buckley says that it became clear that the chief object of repeal was property. *Church and State*, 167. The issue of old church property was to be bantered about Virginia for thirty more years. The 1786 act of repeal again confirmed ownership of all property held by denominations. In 1787, Presbyterians, again, petitioned for pre-1776 glebes to be sold and churches and plates to be made available for use. Petition (October 31, 1787). The House firmly rejected this proposal, 62-45. *JHD* (December 4, 1787), 63. Yet, by 1799, under a stream of Baptist protests, the Virginia legislature passed a law that repealed prior acts vesting glebes in the Episcopal Church and authorizing modes of church government, e.g. election of vestries. *E.g. Gewehr, Great Awakening*, 215. A method of sale was enacted in 1802 whereby overseers of the poor could sell glebes that were vacant or became vacant. Not surprisingly, the statute was challenged in Virginia courts as a taking of property which had legally (and repeatedly) been vested in the Episcopal Church. While the Virginia courts upheld the statute providing for the sale of the glebes, the U.S. Supreme Court was ultimately to strike it down. *Terrett v. Taylor*, 13 U.S. 43 (1815). (Interestingly, the Virginia Supreme Court would have ruled the act unconstitutional had not Edmund Pendleton died the night before issuing his opinion; his successor on the court, St. George Tucker, cast the decisive vote in its favor. Buckley, *Church and State*, 172 n. 79.) Unfortunately for the Episcopal Church, before the U.S. Supreme Court acted, a great deal of property had been disposed of. *See Brydon, Virginia's Mother Church*, 2:474-535 (discussing also various actions to seize silver and other property from churches); Thom, *Struggle for Religious Freedom*, 81-82 (557-58).

53 *E.g. Butler, Awash*, 265 ("The Virginia debate and the Act for Establishing Religious Freedom directly affected the conceptualization and passage of the First Amendment to the Constitution.").

gotiated and fought. The achievements in this post revolutionary period, however, varied markedly from the careful and continuous negotiations which occurred during the Revolution when establishment leaders desperately needed dissenters' support, and certainly differed from the pre-war period of establishment legislative hegemony. At the same time, the differences between the post-war and wartime efforts to liberalize religious liberty serve only to strengthen the conclusion that the liberalization achieved during the Revolutionary War was the result of concessions made by the establishment in order to maintain the support of the dissenters for military mobilization. Thus, establishment leaders stopped their dialogue and efforts to conciliate with the end of the war; in fact, they sought to reinvigorate the previously-established church through state support. Yet, they failed to realize that the negotiations during the war had politicized the dissenters and forever expanded the polity. The period up to adoption of Jefferson's Statute involves much more of a permanent settlement on political terms, as Washington's comments on the general assessment suggest was necessary. The post-war political disputes between dissenters and establishment leaders were emblematic of a new political dynamic in the post-war years in which the politicization of those formerly disenfranchised contributed to a republicanization of Virginia. As Herbert Sloan and Peter Onuf noted, "the harmony so characteristic of the prewar years is completely absent" in the politics of the post-war period.<sup>54</sup>

In the post-war period, efforts to improve religious freedom languished for a considerable period. For example, in 1780, the Virginia General Assembly had liberalized

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54 Sloan and Onuf, "Politics, Culture," 280.

requirements so that dissenting ministers could perform marriages. Yet, despite continued petitioning, it was not until the end of 1784, in the context of proposals to adopt a general assessment, that further action was taken to end discrimination on marriages. This compares to a relatively prompt series of actions in the war years, when the assembly certainly had what would otherwise have seemed to be more pressing matters.

The legislative actions in 1784 were precipitated not by the dissenters' search for increased religious freedom – although they had been seeking improvements consistently, albeit somewhat wanly, since Yorktown – but rather by the efforts of the formerly-established church to incorporate and to gain a general assessment. At least initially, the decision to revisit religion in this period was not only brought about by supporters of the formerly established church, but, at the outset, they were successful in their efforts.

While the dissenters in 1784 and 1785 relied upon the understanding and expectation that had been developed during the Revolution, with the end of the war, their mobilization alone seemed to have limited influence. Rather, the success in 1785 depended upon other factors, including, most importantly, the politicization of dissenters and republicanization of the polity. This important change was evidenced by the growth of the political power of the western counties as new delegates were added to the General Assembly. In the critical 45 to 38 vote on December 24, 1784 to delay the final vote on the general assessment bill, the new western counties played a decisive role, voting 11-1 in favor of the delay. In spite of Tidewater opposition, and the imbalance in representation that continued well into the nineteenth century, this evidences a major political shift paralleling the political activation of dissenters. Thus, Rhys Isaac concludes that Jefferson's

Statute passed "only when it became clear that without it, the politicization of religious differences would destroy the otherwise unchallenged political domination of the proud Virginia [tidewater] gentry." This is true, and while the "religious differences" themselves may have been politically sublimated in the new republic, the former dissenters themselves – western, middling class – would not be.<sup>55</sup>

While one should also not be dismissive of the growth of republican ideology, as evidenced most clearly in Madison's *Memorial and Remonstrance*, there is little question that historians have focused excessively on Madison's *Memorial* in the Virginia battle for religious freedom, largely ignoring the far more important petitions from Baptists and Presbyterians which truly compelled an end to proposals for a general assessment.

In the end, unlike the complex and episodic negotiations of the Revolution, the defeat of the general assessment and the adoption of the Statute for Establishing Religious Freedom in 1785-86 is a permanent, political settlement of the religious problems that had vexed Virginia for many years. Still, one cannot separate the history of 1785 from that of 1775. Without the dissenters' consistent insistence that religious freedom had to be part of the Revolution, and part of the price for mobilization, circumstances in 1785-86 would have never permitted the rejection of the general assessment and adoption of the Statute for Establishing Religious Freedom. The entire process of negotiation and reform during the war created a base of legitimacy for dissenters, and then, after an initial period of establishment resurgence, the dissenters were able to capitalize on that new-found political legitimacy to achieve what seemed wholly impractical before the war.

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55 Isaac, "Rage of Malice of the Old Serpent Devil," 139.

## CHAPTER 5: BRITISH INACTION AND PLANS FOR SUCCESS

*“The great Source of this religious Contention and Disorder lies in the defective Constitution of our colonial Policy. Every Church has its Pretensions to take the lead.... The War is ... at the Bottom very much a religious War, and every one looks to the Establishment of his own Party upon the Close of it. And indeed, upon the Issue, some one Party ought to predominate, ... It is perhaps impossible to keep the ecclesiastical Polity out of the Settlement without endangering the Permanency of the cure.”*

Ambrose Serle to Lord Dartmouth, November 8, 1776.

While Virginia’s establishment patriots were ultimately successful in mobilizing dissenters in Virginia to support the war effort, the initial success of the royal Governor Josiah Martin in North Carolina in rallying dissenters to the king’s banner raises another intriguing possibility. After all, had there been a different result at the Battle of Moore’s Creek Bridge in early 1776, Martin might have been able to mobilize and maintain significant dissenting support for royal authority in North Carolina with dramatic consequences for the war. Given the pre-war antagonism between Virginia’s dissenters and the Tidewater gentry controlling the patriot movement in the state and the historic role of royal officials in protecting dissenter interests, not to mention the dramatic growth of dissent in Virginia before the war, one might also have expected a forceful effort from Governor Dunmore or, perhaps, authorities in Britain to encourage similar support or at least resistance to patriot mobilization among Virginia’s dissenters and thereby disrupt the internal Virginia polity – a crucial source of men and supplies for the Continental Army. Why this did not occur is an important part of the story of dissent in Virginia during the American Revolution and provides further insights into the nature of the dialogue between Virginia’s dissenters and establishment leaders.



### **Britain's Historic Role as a Supporter of Dissent**

The notion of Dunmore, or the British ministry, calling for dissenter support has some initial appeal. Dating to the Glorious Revolution of 1689, the historic association of the British Crown with protection of dissenters' rights in colonial America was strong. Even a brief review of the treatment of dissenters in eighteenth-century Virginia confirms and emphasizes the protective role of royal officials. In 1738, it was Lieutenant (and acting) Governor William Gooch who welcomed Presbyterian settlement of the backcountry (the Shenandoah Valley), promising religious toleration to the prospective immigrants from Pennsylvania. In 1747, with Presbyterianism growing in the Piedmont, and in the face of local Anglican opposition, Gooch supported Samuel Davies as the first licensed dissenting minister in Virginia. Within a year, the Governor's Council – the Virginia gentry – led the effort to stem Presbyterian incursions in the Piedmont by blocking the licensing of Davies' assistant, John Rodgers, in spite of the efforts of the royal governor. Davies' response was to seek, successfully, an opinion of the British Attorney General supporting the application and breadth of the Act of Toleration. The local elite continued their efforts to undermine that interpretation in spite of the intervention of royal officials. For example, in 1768, a scathing letter attacking imprisoned Baptist preachers and implicitly questioning the applicability of the Act of Toleration was printed in the *Virginia Gazette*; this letter is generally thought to be the work of the Virginia Attorney General, John Randolph. Dissenters, well aware of the tension between local elite and English law, intentionally appealed to English precedents in their efforts to ease licensure problems in the 1750s and 1760s. "Davies and the Presbyterians wanted the same toleration

obtaining in England, where the dissenters had obtained an amendment, known as the act of the '10th of Queen Anne,' making it lawful for local authorities to license meeting-houses whenever needed and requested, and permitting licensed ministers to preach in all licensed meetinghouses."<sup>1</sup>

Beyond legal rights under the Act of Toleration, persecution of Virginia's dissenters flared precisely when the governor's palace in Williamsburg was vacant of a British official. For example, in 1750, when county courts began to issue licenses to dissenting ministers, Virginia's native elite put a stop to it, insisting that only the General Court (which met only twice a year in Williamsburg and required a long and expensive journey for many dissenting ministers) could issue licenses. As Rhys Isaac notes, "[i]t is noteworthy that the move toward greater restraint came at a time when the provincial government, headed by Thomas Lee, president of the Council, temporarily lacked an English governor and was entirely in the hands of Virginians." Once again, British officials attempted to intervene to protect dissenters from the local Anglican elite. The British Lords of Trade, responding to an inquiry from Lee, admonished that "a free Exercise of Religion is so valuable a branch of true liberty, and so essential to the enriching and improving of a Trading Nation, it should ever be held sacred in His Majesty's Colonies." The affiliation of royal officials with protection of dissenter interests continued up to the war; arrests of dissenters flared in 1768, after the death of Governor Amherst (an absentee). With dissenter persecution reaching new heights, Presbyterian clergy addressed

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1 Foote, *Sketches of Virginia*, 103, 157-60, 165. Spangler, "Presbyterians, Baptists," 54. "Address to Anabaptists imprisoned in Caroline," *Virginia Gazette* (Purdie & Dixon), February 20, 1772. Lohrenz, "Virginia Clergy," 11 (quote).

Lord Botetourt upon his arrival in 1769, insisting that no subjects were more committed to the king and offering to give proof of their allegiance. Botetourt responded: "It is the King's express command, that liberty of conscience be allowed to all his subjects, so they be contented with a quiet and peaceable enjoyment of the same..." Botetourt expressly promised protection under the Act of Toleration. Unfortunately for dissenters, arrests again increased after the death of Lord Botetourt in 1770. As imprisonment of Baptist preachers escalated from 1768 to 1774, "the Baptists were appealing to the higher authority of English law and custom in a struggle against what they perceived to be an illegitimate use of power on the part of the local courts" – courts run by the Virginia gentry.<sup>2</sup>

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2 Isaac, *Transformation*, 151-52. *Virginia Gazette* (Rind), May 4, 1769. O'Brion, "A Mighty Fortress is our God", 51 (quote).

Anxiety that Britain intended to implant a bishop in America contributed substantially to the colonial crisis especially in New England and the middle states, but in Virginia opposition to a colonial bishop was more rooted in the Anglican elite's desire not to lose any of its existing control over the church than in opposition by dissenters. Bonomi, *Under the Cope*, 199-209; Isaac, *Transformation*, 181-89. An extended discussion of an episcopate in the *Virginia Gazette* among Anglican laymen and clergy makes it clear that the issue was primarily about church control, but both sides sought to use dissenters as a foil – one warning dissenters of the dangers of an episcopate, the other insisting that dissenters would be protected (while at the same time arguing that opposition to an episcopate was generated by dissenters). See, e.g., *Virginia Gazette* (Purdie & Dixon), June 20, 1771 (warns dissenters of its possible pernicious consequences), June 27, 1771, July 4, 1771, August 15, 1771, August 22, 1771, October 10, 1771, October 17, 1771 (what right have clergy to petition for a bishop against the interests of the laity?), October 31, 1771, November 21, 1771; (Rind) July 18, 1771, August 1, 1771, August 8, 1771, September 5, 1771. (In Virginia, the debate continued unabated well into 1772 when even the press tired of it. *Virginia Gazette* (Purdie & Dixon) March 12, 1772.) Dissenters apparently did not join the extended press debate in Virginia directly, but they did take the opportunity to respond to one letter, insisting that they were due full rights under the Toleration Act. *Virginia Gazette* (Purdie & Dixon), August 22, 1771 (letter from Timoleon). While the debate in Virginia was primarily internecine in the Anglican church, the episcopacy controversy likely contributed to an erosion of the strong relationship between Crown officials and protection of dissenter rights.

The same local Virginia political establishment that participated in the persecution of dissenters in the 1760s and early 1770s took a central position in the patriot movement. Notably, Archibald Cary, who personally sat on the bench which imprisoned a series of dissenting preachers in Chesterfield County, was one of the most powerful leaders of the House of Burgesses; he also played a pivotal role in the Virginia Conventions and became the first speaker of the Virginia Senate. Edmund Pendleton, also a justice in several cases in which dissenters were incarcerated, became the President of Virginia's Committee of Safety, the President of the Virginia Convention, and the first speaker of the General Assembly. One of the most vociferous high-church advocates in Virginia, Robert Carter Nicholas, retained positions of influence during the early Revolution, with Pendleton appointing him chairman of the Committee for Religion of the new Virginia General Assembly in 1776 and becoming one of Virginia's first state supreme court judges shortly thereafter. Dissenters quickly recognized that many of the young leaders of the patriot movement – including Jefferson, Henry and Madison – had broader views in the area of religious freedom, but the dissenters' Virginia nemeses retained imposing positions in the new state government.

Beyond the historic role of British officials in protecting Protestant dissenter interests, those officials were not wholly unaware of the possibility of using that role to appeal to American dissenters. For example, after the capture of Burgoyne's army at Saratoga and the official entry of France into the war as an American ally, Britain sought peace with its former colonies, and the Carlisle Commission offered Americans essentially everything that they had been seeking prior to the Declaration of Independence: effec-

tive autonomy short of real independence. On October 3, 1778, after the Commission's efforts were rebuffed by the Continental Congress, Sir Henry Clinton, the commander of British forces in America and a member of the Carlisle Commission, published a manifesto appealing directly to the American populace. For these purposes, one paragraph has particular interest. The Commission warned those concerned with religious toleration that the Continental Congress had negotiated with a "foreign power," France, which had been

averse to toleration and inveterately opposed to the interests and freedom of the places of worship...; and that Great Britain from whom they are for the present separated, must both from principles of her constitution and of protestantism be at all times the best guardian of religious liberty, and most disposed to preserve and extend it.

Given England's raw history of religious disputes and intolerance of Catholics, and the colonists' severe reaction to the Quebec Act in 1774, this warning of an alliance between the new Congress and a "popish" king could have had a serious impact upon dissenters had they believed that Britain would more readily protect their religious liberty and had Britain been in a position to engage the issue seriously.<sup>3</sup> The point was not wholly lost

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3 *Manifesto and Proclamation* by the Earl of Carlisle, Sir Henry Clinton and William Eden (the Carlisle Commission) (October 3, 1778).

Britain's appeal to dissenters in the Carlisle Commission Manifesto may have been a response to prior American propaganda. For example, both the Suffolk Resolves (#10) and Continental Congress Address to the People of Great Britain (October 21, 1774) spoke to the Quebec Act, the latter stating: "Nor can we suppress our astonishment, that a British Parliament should ever consent to establish in that country a religion that has deluged your island in blood, and dispersed impiety, bigotry, persecution, murder and rebellion through every part of the world." *Journals of the Continental Congress*, I:88. American leaders noted with indignation that the treaty ending the Seven Year War guaranteed Catholics in Quebec toleration but that the Quebec Act established Catholicism as the official religion in the new British province. Humphrey, *Nationalism and Re-*  
(footnote continued)

on its intended audience. Robert Honyman, a doctor in Virginia, for example, noted in his diary that the Carlisle Commission had warned Congress that it should unite with people who shared their language and religion, rather than entering into an “insincere ... foreign alliance.”<sup>4</sup>

Given the historic association of Britain with protection of dissenter interests and the continued control of the Virginia polity by the dissenters’ protagonists, the appeal to dissenters in the Carlisle Commission, not to mention Governor Martin’s appeal to dissenters in North Carolina, raises several questions: Would such an appeal from Lord Dunmore, earlier in the war, have met with similar or even greater success than experienced by Governor Martin in North Carolina? Could Britain have made a more targeted and serious appeal to southern, especially Virginian, dissenters to encourage loyalism or,

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(footnote continued)

*ligion*, 417. Sir Guy Carleton used the anti-Catholicism evident in the 1774 Continental Congress Address effectively in discouraging support of the American patriot movement by French Canadians when American forces invaded Canada in 1775 and 1776. Ferling, *Almost a Miracle*, 86. The Continental Congress learned the lesson that promises of greater freedom were more likely to enhance its prospects and not only appealed to Canadian Catholics to support the rebellion, but later encouraged German mercenaries in the British Army to desert with the promise of 50 acres and religious freedom. Several years later, Members of Congress pointedly attended a Catholic funeral mass for Spain’s unofficial minister. Davis, *Religion and the Continental Congress*, 152-57, 163, 68 and n. 44. Tory writers tended to view all of these arguments and efforts with suspicion, believing that the patriots were fundamentally intolerant. See, e.g., Adair and Schutz, eds., *Peter Oliver’s Origin & Progress*, 135-37.

4 Robert Honyman, *Diary, 1776-1782*, July 18, 1778, 247-48. Both Mercy Otis Warren and David Ramsay discussed the Carlisle Commission and its manifesto at some length, but do not mention the appeal to dissenters. See *History of the Rise, Progress and Termination*, I:258-66; *History of the American Revolution*, II:403-10.

at least, discourage support of the patriot movement? The simple answer is Dunmore did not, Britain could not.

### Dunmore's Search for Loyalists

Lord Dunmore had never been a popular governor in Virginia. Still, once war broke out, he spent more than a year diligently trying to rally loyalists to the king's banner.<sup>5</sup> Dunmore, however, never had even the initial success that Martin had in rallying loyalists to Moore's Creek. There are a number of reasons for this, most notably Dunmore's decision to appeal to slaves (of rebels) to fight for the king in order to obtain their freedom incensed most white Virginians, but an additional explanation for his relative lack of success is that Dunmore did not have Martin's experience in working with the concerns of western dissenters. In fact, Dunmore seemed largely oblivious to the tension between the establishment and dissenters in Virginia and the possibility of dissenter support. Thus, Dunmore wrote Lord Dartmouth in December 1774

With regard to the encouraging of those, as your Lordship likewise exhorts me, who appeared, in principle averse to those proceedings [of the Continental Congress], I hope your Lordship will do me the Justice to believe, I have left no means in my power unessayed [sic] to draw all the assistance possible from them to His Majesty's Government; but I presume your Lordship will not think it very extraordinary, that any persuasions should have been unavailing, against the terrours, which on the other hand, are

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5 See generally Selby, *Revolution in Virginia*, 55-127; McDonnell, *Politics of War*, 49-250. Of course, as was the case elsewhere, British commanders did make efforts to raise Virginia loyalists, but these efforts did not rely upon religious affiliation. See, e.g., Virginia Colonial Record Project, Public Records Office Class C.O.5/98, Military Despatches [sic] with enclosures from General Clinton, reel 66, SR430, 23-26, 133-40, 316-21, 324-25; Public Records Office Class C.O.5/94, Military Despatches [sic] with enclosures from General Howe, reel 66, SR427, 47-50. If anything, especially in New England and the Middle States, British efforts seemed to concentrate on Anglicans.

held out by the Committees, independent Companies etc. so universally supported, who have set themselves up, superior to all other Authority, under the Auspices of their Congress, the laws of which they talk of in a stile [sic] of respect, and treat with marks of Reverence, which they never bestowed on their legal Government or the laws proceeding from it.

Dunmore went on specifically to note that the non-importation/exportation agreements adopted by the Continental Congress would impose a particular burden on the lower sort, but he failed to recognize (or seek to exploit) the possibility of encouraging loyalism among the lower class (or the large number of dissenters who came from that class). The difference in Martin's correspondence of the same period is striking.<sup>6</sup>

In fact, a year and a half later, while still trying unsuccessfully to rally effective support in Virginia, Dunmore was so benighted as to think that the Virginia assembly's offense of changing the Anglican prayers for the king would enrage the populace – seemingly ignorant of the leadership role of Anglican laity in controlling the new state and the extent to which these changes were demanded by dissenters whose assistance was needed for wartime mobilization. Thus, Dunmore told Lord Germain in June 1776,

yet I am well convinced it [Virginia's declaration of its independent status] is quite repugnant to the wish of most. Their having ordered the Prayers for the preservation of His Majesty and those of His Trinity etc. to be erased and substituted others for their Congress, Conventions etc. in their place, I am well convinced (though this Colony is by no means remarkably over religious) that this change will have a wonderfull [sic] effect on the minds of the lower Class of People, who I am satisfied even now only wait for an Army able to protect them, which Army I doubt not were they landed, they would immediately join. Even many of those I am

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6 Papers of Lord Dunmore: Dunmore, John Murray, Earl of, 1732-1809, Correspondence, 1771-1778, TR 13 V.2, Dunmore to Earl of Dartmouth, December 24, 1774, No. 23 (C.O. 5/1353 ff. 7-39), 448-49, Rockefeller Library, Williamsburg, VA (quote). *Ibid.*, 450.



satisfied that now appear in arms against us, would willingly change Sides.<sup>7</sup>

Dunmore sought to encourage Indian attacks on the frontier, again alienating most Virginians, while remaining silent concerning Virginia Presbyterians' avowal to Lord Boteourt of their unmatched loyalty to the king and willingness to prove it and concerning Martin's initial success in seeking dissenter support. Dunmore did offer frontiersmen a clear title for their land should they join his forces, certainly an enticement, but they might also have seen some irony in the fact that it was the royal Proclamation Line of 1763 which was largely responsible for their land problems. By comparison, while royal officials were undoubtedly associated with protection of dissenters' interests, Dunmore did not address the question of protection of dissenters' religious liberty from a local establishment that had consistently persecuted them. In any case, Dunmore had so alienated the frontier by his effort to encourage Indian raids as to make any cooperation highly unlikely.<sup>8</sup>

Even in Virginia, with as much as one-third or more of the population dissenting and the new state legislature being forced to make concessions to dissenting interests, and in spite of Governor Martin's initial success in North Carolina, Dunmore could not see past the Church of England. This was an opportunity missed. Of course, one cannot assume that an appeal to dissenters in Virginia, in the face of the patriots' forceful efforts to

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7 *Ibid.*, Dunmore to Lord George Germain, June 26, 1776, No. 3 (C.O. 5/1353 ff. 385-88), 748-49, Rockefeller Library, Williamsburg, VA.

8 McDonnell, *Politics of War*, 66, 131-36, Selby, *Revolution in Virginia*, 56-58, discussing Dunmore's efforts to use Indians and the angry response of white Virginians. Holton, *Forced Founders*, 162-63.

obtain dissenter support and dissenters' patriot sympathies, would have been successful. Dunmore, though, seemed more focused on making war against colonials than seeking to co-opt their support and missed the opportunity of addressing dissent entirely.

More generally, Britain, too, focused almost entirely on Anglican loyalists. Its understanding of the war and its plans for success would permit nothing else.

### **Britain's Treatment of Religion during the War**

Whatever Dunmore's failings, the question remains as to why British officials did not make a more consistent appeal to dissenters, particularly those in the south who had faced persecution from local officials. Certainly, the British Constitution assumed an establishment, and an establishment (not to mention the British Act of Toleration) assumed toleration, however liberal, rather than full religious liberty. This, though, was not an impassable theoretical impediment to engaging southern dissenters. After all, British "tolerance" had included very broad rights for "dissenters" in New England – where churches dissenting from the Church of England were actually established – and in the Middle Colonies – which, by and large, did not have an established church. Of course, one might conclude that, as was the case in other areas, the British leadership simply failed to understand the war at all: why the Americans were in revolt, why early British negotiations failed, and why repeated American military defeats did not end the resistance. Perhaps colonial religious controversies were of the same ilk. There may be some truth to that observation.<sup>9</sup>

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<sup>9</sup> See, e.g., Norton, *British-Americans*, 47, 167; Shy, "Confronting Rebellion: Private Correspondence of Lord Barrington with General Gage," 4 ("For all [General]  
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Yet, when one looks beyond Virginia, it becomes evident that other factors impaired any serious effort by Britain to capitalize on dissenter loyalty to the Crown and disenchantment with Virginia's establishment leaders. As a preliminary matter, in Britain, any linkage between royal officials and protection of dissent in America was substantially impaired by the extent to which English dissenters aligned with "real whigs" and "commonwealthmen" against government interests in the political disputes of the 1760s and 1770s. For example, Joseph Priestley's anonymous *Address to Protestant Dissenters*, expressly called on English dissenters to help unseat the North government.<sup>10</sup>

When British officials did focus on America, rather than seeing the opportunity presented by dissenters in the south, all that British officials could see were the apparent problems generated by dissenters (i.e. non-Anglicans) in New England and the middle states. From very early on in the colonial conflict, Tories in America accused dissenters in New England of creating and inflaming the dispute. The errors (or at least oversimplification) inherent in such a view are irrelevant; British officials were led to believe by some of their leading colonial supporters that dissenters in New England and the middle states, particularly Presbyterians (inheritors of a Scottish legacy for rebellion) were at the heart of the colonists' disloyalty, and based upon the role of dissenters in political

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(footnote continued)

Gage's years in America, and for all [Secretary of War] Barrington's efforts to educate himself on American affairs, neither man ever understood what was bothering so many of the colonists.").

10 See generally Bonwick, *English Radicals*. Priestley, *Address to Protestant Dissenters*, 5-6.

conflicts in England, the royal officials were well disposed to accept such an understanding.<sup>11</sup>

As a result, in British planning for the post-war regime, a substantially stronger establishment was contemplated, not stronger dissent. Further, in marked contrast to the negotiations between Virginia's new state government and dissenters, once patriots had effectively seized local governmental institutions, the British simply lacked an effective forum in which to engage American dissenters. While the British army could seek to encourage militarization of loyalists (and did so with some success, particularly in New York and South Carolina), the military was not in a position to engage dissenters in the political process as were Virginia's new leaders. The result of these several factors was that Britain simply was unable to appeal effectively to southern dissenters.

Both before and during the war, British officials were fed a regular diet of "intelligence" that implicated the "black regiment" of dissenting ministers (first New England Congregationalists and then middle colony Presbyterians) in fomenting the revolt. Dissenters' efforts in America were seen as a challenge to both the Episcopal Church and the monarchy. This view was expressed by important colonial officials, such as Thomas Hutchinson (governor of Massachusetts), Peter Oliver (Chief Justice of Massachusetts) and Joseph Galloway (speaker of the Pennsylvania colonial House of Representatives and a member of the first Continental Congress), as well as Anglican leaders, such as Charles

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11 Of course, loyalists were also responsible for much of Britain's inability to understand the conflict, and, in particular, for the resilient British belief that most Americans remained loyal and if British forces could simply show the flag in \_\_\_\_\_ (fill-in New York, New Jersey, Pennsylvania, South Carolina, Virginia) the king's true subjects would rally to the cause. See, e.g., Norton, *British Americans*.

Inglis of New York (later the first Anglican Bishop in Canada). Oliver clearly found the initial causes of the conflict in the dissenters of New England; in his history of the origins of the war finished in 1781, he explained that “[h]ad the force of Enthusiasm been well understood, & what Power the dissenting Clergy had over the Minds of the People in *America*, it would have been a great Error in Politicks [sic] not to have suppressed the Growth of such a Weed, as hath poisoned both *Old & New England*.” Hutchinson opposed creating official fast days as requested by patriots in 1774 because to do so “was only to give an opportunity for sedition to flow from the pulpit.” Galloway explained that dissenting preachers’ “spirits and enthusiasm were equally intolerant of the rules of the established church and government.” Inglis related a very similar view to ecclesiastical leaders in London, but added not only that dissenters were responsible for the conflict, but that they intended to destroy the Church of England, reporting to the secretary of the Society for the Propagation of the Gospel in Foreign Parts in late 1776 that it was “past all Doubt, that an Abolition of the Church of England was one of the principal Springs of the Dissenting Leaders’ Conduct; & hence the Unanimity of Dissenters in this Business, their universal Defection from Government....”<sup>12</sup>

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12 Adair and Schutz, eds., *Peter Oliver’s Origin & Progress*, 76. Headley, *Chaplain and Clergy*, 15. Galloway, *Historical and Political Reflections*, 28, 47 (Congregationalists’ and Presbyterians’ “ideas of government were equally popular,” i.e. anti-monarchical), 49 (only Congregationalists and Presbyterians supported rebellion). Charles Inglis to Richard Hind, Secretary of the SPG, October 31, 1776, in Lydekker, *Life and Letters*, 157-58. Galloway later testified to British authorities that in 1774 the opponents of the crown were “Congregationalists, Presbyterians and smugglers.” “Examination of Joseph Galloway, Esq., late Speaker of the House of Assembly of Pennsylvania, Before the House of Commons” in Humphrey, *Nationalism and Religion*, 67.

A modern reader might be struck by the extent to which these views, even if true, held for the northern colonies but not for the southern colonies where Anglicanism was established and dissenters were struggling for improved toleration. Yet the British ministry was unable to make such a distinction. The prevalence of Anglicanism in the south simply encouraged the ministry to believe (fantastically, in spite of growing evidence) in the latent dominance of loyalism in that region and to look for loyalism (throughout the colonies) among Anglicans. The problem with dissenters was viewed as endemic. In a joint letter in 1780, optimistic Anglican clergy in New York wrote that "Dissenters in general, and particularly Presbyterians and Congregationalists were the active Promoters of the Rebellion." By contrast, the clergy explained, Anglicans "from their Infancy imbibe Principles of loyalty, and Attachment to the Present State;" dissenters "from their infancy, imbibe Republican, levelling [sic] Principles, which are unfriendly to the Constitution." Loyal Americans convinced the ministry that dissent was not a religious problem, but a political one, and they resolved to work for a solution to the problem. For example, in early 1777, Ambrose Serle reported in his journal that he had "[v]isited Mr. Inglis in the morning & talked over with him, the Subject of the full Establishm[en]t. of the Church of England, on which we agreed, and are to have a meeting with the Revd. Mr. Seabury & the Attorney Genl. [Kempe] to consider further of it."<sup>13</sup>

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13 Clergy of New York, October 28, 1780, *American Papers of the Society for the Propagation of the Gospel*, X, pp. 190-91, Lambeth Palace Library, London (microfilm), quoted in Bonomi, "Hippocrates' Twins," 142. Tatum, *American Journal of Ambrose Serle*, March 22, 1777, 201-02. From the British perspective, to the extent that they considered dissent in the south, the danger of it mimicking the practices in the north seemed real. North Carolina Governor Josiah Martin, for example, had written the Earl of Dartmouth, November 4, 1774, "distinctions and animosities have immemorially prevailed in  
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Anglican leaders in Britain fed this view. By 1777, Archbishop of York William Markham was blaming the dispute on “fanatics and sectaries” and the government’s failure adequately to support the Anglican establishment in America in the colonial era. This view was attacked by British Whigs, such as the Duke of Grafton and the Earl of Shelburne, both supporters of America, but opposition from those sources was hardly likely to change the views of ministerial officials during the course of the war. Even John Wesley, with his close ties to the ministry, contributed to the view that the Revolution was led by a cabal supported by Congregationalists and Presbyterians.<sup>14</sup>

British officials concurred. Before open military conflict, Secretary of War Barrington assured General Gage of his agreement that Massachusetts’ mobs were “stimulated by their fanatic clergy who have taken up a strange ungrounded fear of episcopacy. This I preach to all our ministers.” Gage’s report in the relative calm of 1770 that mobs were, for the time, quiet and that “[s]ome attribute this change to Whitefields’s sermons, who has been some time amongst them, preaching up subordination to government, and obedience to the laws,” fit well government theory and policy. Or, as Horace Walpole quipped after open hostilities began, “Cousin America has run off with a Presbyterian parson.” In reflecting on the war, Guy “Carleton even asserted that had there been bi-

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this country between the people of the Established Church and the Presbyterians on the score of the difference of their unessential modes of church government; and the same spirit of division has entered into or been transferred to meet other concerns.” Davies, ed., *Documents of the American Revolution*, VIII:227.

14 <sup>1</sup> Gewehr, *Great Awakening*, 158.

shops in America, the leaders of the Revolution would not have secured such a favourable response to their propaganda.”<sup>15</sup>

These views were inadvertently fed by American supporters in Britain. Edmund Burke, for example, in his *Speech on Moving Resolutions for Conciliation with America* (March 22, 1775) argued that:

The [American] people are Protestants; and of that kind which is the most adverse to all implicit submission of mind and opinion. This is a persuasion not only favourable to liberty, but built upon it. I do not think, Sir, that the reason of this averseness in the dissenting churches, from all that looks like absolute government, is so much to be sought in their religious tenets, as in their history. Every one knows that the Roman Catholic religion is at least coeval with most of the governments where it prevails; ... The Church of England too was formed from her cradle under the nursing care of regular government. But the dissenting interests have sprung up in direct opposition to all the ordinary powers of the world; and could justify that opposition only on a strong claim to natural liberty.... But the religion most prevalent in our northern colonies is a refinement on the principle of resistance; it is the dissidence of dissent, and the Protestantism of the Protestant religion. This religion, under a variety of denominations agreeing in nothing but in the communion of the spirit of liberty, is predominant in most of the northern provinces; where the Church of England, notwithstanding its legal rights, is in reality no more than a sort of private sect, not composing most probably the tenth of the people....

Of course, while it was not Burke's intent, this description tended only to harden the views of those loyal to the British crown and ministry that too much freedom had been provided to American dissenters. The support of English dissenters for the American cause tended only to confirm the problem. Historian Peter Doll explained:

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15 Lord Barrington to General Gage, August 1, 1768, in Shy, "Confronting Rebellion," 44. General Gage to Lord Barrington, October 6, 1770, in Shy, "Confronting Rebellion," 86. Walpole quote from Smith, *Creed of the Presbyterians*, 146. Fingard, "Establishment of the First English Colonial Episcopate," 478, citing Guy Carleton to Lord North, August 26, 1783, Public Record Office, B.T.6/59.



And in the eyes of the British government, the events of the American Revolution proved the Anglican loyalists' claims that Nonconformity in religion encouraged loyalty to republican forms of government in church and state. The American sectaries and the lack of an American bishop were to blame for the upheaval.

With an "implicit knowledge" that civil and religious institutions, to be effective, required a close bond, British officials could not fathom another means to understand the religious elements that repeatedly reared their heads in the disputes surrounding the Revolution.<sup>16</sup>

Thus, to the extent that British policy-makers focused upon religion in America during the war, they generally saw dissent not as an opportunity, but as a problem that caused (or contributed heavily towards) the war and would have to be remedied when the war was won. It was leniency toward dissent – failing to impose vigorously the state church, including an episcopate – which lay at the root of the problem of dissenter opposition. After all, based upon their local experience, British officials historically saw

the conjunction of political radicalism and religious dissent ... with suspicion and distrust. That sentiment had been sharpened when dissenting New England, the spearhead of revolution, had found natural allies among reforming dissenters at home.... [T]he American revolt came as a warning that the export of political institutions without their ecclesiastical

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16 Edmund Burke, "Speech on Moving Resolutions for Conciliation with America," in *Works of the Right Honorable Edmund Burke*, II:122-23. Bonwick, *English Radicals*, 81-113. Doll, *Revolution, Religion*, 213. Bonomi, "Hippocrates' Twins'," 142. Lord Dartmouth's former private secretary, Ambrose Serle, denounced the dissenting clergy with the emphatic epithet of being "Oliverian." Tatum, *American Journal of Ambrose Serle*, September 3, 1776, 91. Caroline Robbins summarized that for British officials the notion of dissent produced memories of "the Long Parliament, all innovations of the Interregnum, and all intolerance manifested by Puritans at any time." Robbins, *Eighteenth Century Commonwealthman*, 225. Perhaps too willing an acceptance of this propaganda has also influenced the historiography, contributing to the view that evangelicals were the driving force behind the revolution. E.g. Heimert, *Religion in the American Mind*.

counterpart could be a disastrous enterprise, depriving the monarchical system in the colonies of its principal sanction.

As a result, rather than seeking to co-opt dissenters, British authorities employed Anglican propagandists. For example, the Anglican Tory ministers, Reverend Jonathan Odell and Samuel Seabury, were employed by General Howe to write propaganda for Britain at £50/year. As tensions rose, the Reverend John Vardill of New York's King's College, in London serving as a government pamphleteer, wrote Dartmouth urging "upon the government the necessity of supporting loyal Anglicans now that the Dissenters could be seen for the rebels they truly were."<sup>17</sup>

Based upon these reports and positions, the British vision of a post-war settlement included a strengthened Anglican Church in America with local bishops. In 1776, Lord Dartmouth's former private secretary, Ambrose Serle, then serving as private secretary with a triumphant Admiral North in New York, urged Dartmouth to consider in a post-war settlement that "[t]he War is ... at the Bottom very much a religious War, and every one looks to the Establishment of his own Party upon the Close of it." After the war, Britain must remedy "the defective Constitution of our colonial Policy. [In which] Every Church has its Pretensions to take the Lead." Serle concluded: "It is perhaps impossible to keep the ecclesiastical Polity out of the Settlement, without endangering the Perma-

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17 Harlow, *Founding of the Second British Empire*, II:735. Sweet, "Role of the Anglicans," 56. Vardill to Dartmouth, September 1, 1774, in Doll, *Revolution, Religion*, 212-13 (fnt omitted). In this vein, the Quebec Act was arguably a direct warning to New England Congregationalists; thus, General Gage told Lord Barrington that the Act "produces great good effects in that country [Quebec], and on that account [is] execrated by all the rebellious here [in Massachusetts]." Gage to Barrington, December 14, 1774, in Shy, "Confronting Rebellion," 123.

nency of the cure. There will never be a fairer Opportunity, nor a juster [sic] Right, to fix the Constitution of America in all respects agreeable to the Interests and Constitution of Great Britain, than upon the Conclusion of this War.” Similarly, the New York Anglican minister, Charles Inglis, gave specific advice to his superiors at the Society for the Propagation of the Gospel in Foreign Parts on what was necessary in a post-war settlement.

I have not a Doubt but, with the Blessing of Providence, His Majesty’s Arms will be successful, & finally crush this unnatural Rebellion. In this case, if the Steps are taken which Reason, Prudence & Common Sense dictate, the Church will indubitably increase, & these Confusions will terminate in a large Accession to its Members, then will be the Time to make that Provision for the American Church which is necessary, & place it on at least an equal Foot with other Denominations, by granting it an Episcopate, & thereby allowing it a full Toleration. If this Opportunity is let slip, I think there is a Moral Certainty that such another will never again offer, & I must conclude in that Case that Government is equally infatuated with the Americans at present.

Serle advised that more than an American episcopacy might be necessary, again warning Dartmouth in 1777, “there must be a great Reform established, ecclesiastical as well as civil; for, though it is not much considered at Home, Presbyterianism is really at the Bottom of this whole Conspiracy.” In his private journal, Serle was even more explicit that “Republican Presbyterianism can never heartily coalesce with Monarchy & Episocpacy.” Stability was impossible in a state permeated by dissent; the solution, of course, was to strengthen Anglicanism and restrict dissent. British officials contemplated addressing these problems once, as they expected, peace under British rule was reestablished. William Knox, a British under secretary of state and unofficial advisor on post-war colonial policy, prepared a plan for an episcopal establishment that would tend to “combating and repressing the prevailing disposition of the Colonies to republicanism, and exciting in

them esteem for monarchy.” Recognizing the ministry’s views, many patriots also feared a post-war establishment. The early American historian David Ramsay explained that for Presbyterians “[f]rom independence they had much to hope, but from Great Britain if finally successful, they had reason to fear the establishment of a church hierarchy.”<sup>18</sup>

Given the reliance of the British ministry on the views of its loyalist supporters, British policy-makers could neither see nor exercise the opportunity that may have existed to rally dissenters to the royal banner. As Mary Beth Norton explains, a loyalist interpretation of events was “repeatedly impressed upon the British Administration during the war,” and eventually the ministry was “successfully persuaded . . . to accept this same formulation.”<sup>19</sup> Interestingly, in the case of religious dissent, at least in Virginia, the result was a fundamental reversal of roles: During the war, the former Tidewater establishment, which had been responsible for the discrimination and much of the persecution visited upon Virginia’s dissenters, became patrons of dissenter interests in the legislature and, as a result of extended and complex negotiations, politicized Virginia’s dissent. On the other hand, royal officials, historically the protectors of dissent, increasingly saw the future of British North America as being dependent upon a strengthening of the Church

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18 Serle to Dartmouth, November 8, 1776, Stevens, *Facsimiles of Manuscripts*, XXIV, No. 2045. Charles Inglis to Richard Hind, Secretary of the SPG, October 31, 1776, Lydekker, *Life and Letters*, 170-71. Serle to Dartmouth, April 25, 1777, Stevens, *Facsimiles of Manuscripts*, XXIV, No. 2057. “Ambrose Serle: Journal,” April 14, 1778, in *American Revolution: Writings*, 421. West’s proposal is discussed in Harlow, *Founding of the Second British Empire*, II:736. Ramsay, *History of the American Revolution*, 2:628. West, *Extra Official State Papers*, 1:app.V, 13-14.

19 Norton, *British-Americans*, 154.

of England and, with efforts to enlist Western Indians, antagonized many dissenters who might have otherwise supported royal authority.

A second serious problem also tended to undermine any possibility of fruitful cooperation between British officials and dissenters. Once the war began, and local patriots had usurped control of government institutions, there was simply no political space in which British officials could readily negotiate with dissenters to create an opportunity to bring the dissenters into the British polity and invest them in the British success. Once the mechanisms of government were controlled by patriot forces, British officials could not engage in a realistic, certainly not immediate, negotiation for concessions or politicization of potential allies. Thus, while military positions could be (and were) offered to loyalists when the British army was in a particular area, the absence of British civil institutions seriously impaired their interaction with the vast majority of the populace. Of course, the use of loyalists in military operations was dependent upon direct support of the British army and suffered when the army was not present or, after having "pacified" an area, left. Thus, while North Carolina Governor Martin expected in 1775 and early 1776 that North Carolina dissenters would rally to the king's banner, Britain's failure to provide support when they did so significantly undermined future efforts to enlist loyalists (as Lord Cornwallis woefully discovered as he crossed North Carolina in 1781). Equally damning in terms of relations with the populace as a whole, as British Commander-in-Chief Jeffrey Amherst recognized, loyalists had to be put in control of a func-

tioning government, as well as military positions, if locals were to develop a real stake in the political success of Britain, but little was accomplished in this regard.<sup>20</sup>

Georgia was the one place where British military success was followed by a serious effort to renew civil authority, thereby “Americanizing” not just the military aspects but the political (and religious) aspects of the war as well. For a period of time in 1780 and early 1781, this effort resulted in some success.<sup>21</sup> The absence of political ground on which to engage dissenters in Virginia (and elsewhere) would have made any effort to cooperate with dissenters, even had the ministry been inclined to encourage it, very difficult.

### Wesley and Loyalism in Virginia

In spite of Dunmore’s failure and Britain’s inability effectively to engage Virginia dissenters, Virginia’s patriots were concerned that such an appeal would be made and some were convinced that Britain was using religion as a tool to disrupt Virginia’s polity. The most intriguing bit of evidence in this regard is an anxious letter from a patriot recruiter to Virginia officials concerning British efforts to co-opt the growing Methodist population in the southside Tidewater and the Eastern Shore near the end of the war.

A certain sett [sic] of Preachers called Methodists are preaching the doctrine of passive obedience, and point out the horrors of war in so alarming

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20 Jeffrey Amherst to Lord Germaine, March 2, 1779, Correspondence, Commander in Chief, 1779 –, C.O. 5/174, 25 *et seq.*, National Archives, London. Cf. McConville, *King's Three Faces* (importance of a political arena in which the ambitions of colonists could be satisfied).

21 See, e.g., Furlong, “Civilian-Military Conflict.” See Shy, “British Strategy” for a discussion of Germain’s efforts to Americanize military and political aspects of the war in the south.

a manner that it has caused many to declare that they wou'd suffer death rather than kill even an enemy – this is a new doctrine and inculcated by some sensible preachers from England, which I am told is paid by the Ministry through Wesley for this purpose – it must be discountenanced, or all torys [sic] will plead religion as excuse, and get license to preach.

One Anglican minister in Virginia, to the consternation of a Methodist preacher who was present at the time, added his view that Methodists were “sent here by the English ministry to preach up passive obedience and non-resistance.” The anxiety of Virginia’s leaders would have been fed by the growing pacifism of Virginia’s Methodists not to mention reports of open loyalism among Methodists on Maryland’s Eastern Shore. Earlier, Deve-reux Jarratt, a leading Anglican preacher in the southside of Virginia with a strong Methodist leaning, reported that when Thomas Rankin, one of Wesley’s lieutenants touring America, spoke at a revival the congregants were deeply moved and “[t]he unhappy dispute between England and her colonies, which just before had engrossed all our conversation, seemed now in most companies to be forgot.” These were hardly words of encouragement to an elite seeking to mobilize the populace. In this context, the notion that Methodists “were able in the early years of the war with Great Britain to attract a vast following,” as Rhys Isaac reports, takes on an entirely new, menacing and political, rather than purely religious, perspective.<sup>22</sup> Moreover, the fact that Methodists were still part of

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22 Letter from Josiah Parker, Acting Colonel, county lieutenant Isle of Wright, to Speaker of the Assembly (June 9, 1781), *Calendar of Virginia State Papers and Other Manuscripts*, II:152. See also Harrell, *Loyalism in Virginia*, 65. Watters, *Short Account*, 49-50. Jarratt quoted in Isaac, “Preachers and Patriots,” 138, 128. As in other cases, it is possible that Methodist leaders were not entirely in-line with their membership. Jefferson, for example, noted that while Methodist ministers supported establishment, and while Wesley had been advertized in Maryland newspapers as supporting the ministry, Methodists in Albemarle County had signed petitions supporting disestablishment. Boyd, Butterfield and Bryan, eds., *Papers of Thomas Jefferson*, 1:557-58.

the Church of England (until 1784) created the opportunity for the British ministry to engage Methodists more effectively (without compromising its view of a post-war ecclesiastical settlement). Add to this the especially close relationship of the Wesley brothers, Charles an even stronger Tory than John, to Lord Mansfield and Lord Dartmouth, and an intriguing opportunity for counter-revolutionary efforts presents itself.<sup>23</sup>

Yet, in spite of the intriguing possibilities, there is no real evidence that the British were seeking to manipulate dissent in America by appealing to American Methodists or paying Wesley to do so. Nor is this a matter of historical oversight: Wesley's vocal and effective Toryism has received extensive scrutiny. The facts are well-known: As the conflict between the American colonies and the metropole increased, Wesley initially evidenced some support for the colonists' position; most famously, in June 1775, Wesley wrote letters to Lord Dartmouth and Lord North indicating that "he did not think the measures which had been taken with regard to America could be defended 'on the foot of law, equity or prudence.'" By October, however, with the extent of the American military rebellion becoming clear after reports of Bunker Hill reached England, Wesley's position had shifted to being clearly and emphatically Tory with the publication of *A Calm*

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23 One protagonist noted that Wesley's relationship "with a person in a high post of ministerial confidence [Lord Dartmouth] gives something of a more authoritative cast to what is said by him on this occasion." Capel Lofft in *Observations on Mr. Wesley's Second Calm Address*, 4, quoted in Lyles, "Hostile Reaction to the American Views of Johnson and Wesley," 2. Jefferson noted that Dartmouth had a Methodist secretary, Boyd, Butterfield and Bryan, eds., *Papers of Thomas Jefferson*, 1:557, and others have noted the close relationship between Charles Wesley and Lord Mansfield dating to their school days. See also Sweet, "Role of the Anglicans," 66 (Charles even more of a Tory than John Wesley).



*Address to the American Colonies* (an abbreviated version of Dr. Samuel Johnson's *Taxation No Tyranny*).<sup>24</sup>

What was criticized by protagonists as Wesley's new-found Toryism was not really new at all. In the 1760s, partially in response to criticism that had been leveled at British Methodists, Wesley had been a strong Tory, supporting King George and his ministry against growing and vocal domestic opposition. Wesley was committed to maintaining that position, believing that the loyalty of the Methodists to the Crown would be rewarded with acceptance or, at least, neutrality by officials in ecclesiastical disputes between Methodists and other Anglicans. As American protests led to war against the Crown, Wesley's support for the Americans evaporated. "Wesley had sympathized with the Americans until they actually rebelled."<sup>25</sup>

As the American war proceeded, Wesley became increasingly vocal and increasingly Tory. In 1776, Wesley published *A Seasonable Address to the More Serious Part of the Inhabitants of Great Britain, Respecting the Unhappy Contest between Us and Our American Brethren with an Occasional Word Interspersed to Those of a Different Complexion*. The next year, he wrote *A Calm Address to the Inhabitants of England*, which specifically appealed to British Methodists for loyalty to the Crown. In 1778, Wesley twice engaged printers to publish first *A Serious Address to the People of England, with*

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24 Sweet, "Role of the Anglicans," 64-65, quoting *Journals of John Wesley*, VIII:325-28; Lyles, "Hostile Reaction to the American Views of Johnson and Wesley," 4-5.

25 Holland, "John Wesley and the American Revolution," 200. Raymond, "I Fear God and Honour the King'," 316. Lyles, "Hostile Reaction to the American Views of Johnson and Wesley," 5 (quote).

*Regard to the State of the Nation, and then A Compassionate Address to the Inhabitants of Ireland.*<sup>26</sup>

Wesley's actions were not focused on American Methodists at all. Each of these works was focused on encouraging the support of the government by Methodists in Britain. In fact, while his first *Calm Address* was nominally addressed to the colonies, he had a British audience in mind even for this publication. By comparison, Wesley's direct appeals to Americans only encouraged neutrality. In March 1775, Wesley told American Methodist preachers, in a letter to Thomas Rankin, "say no word against one or the other side," and avoid politics. Charles Wesley also told Rankin to take neither side. As if to emphasize the point, Wesley recalled all the British Methodist preachers in America, and all but Francis Asbury complied.<sup>27</sup>

Throughout the period, Wesley himself made it clear that his real concern was with vocal domestic unrest in Britain and the possibility of revolution in England. After the 1775 publication of *A Calm Address*, Wesley wrote in his journal: "Need any one ask from what motive this was wrote? Let him look round: England is in a flame! – a flame

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26 Holland, "John Wesley and the American Revolution," 208-11; Raymond, "I Fear God and Honour the King'," 235-36.

27 Of the first *Calm Address*, a contemporary reviewer in the *London Magazine* wrote "This *calm address* was printed to *inflamm*e the breast of the English against their American brethren." *London Magazine*, XLIV (October, 1775), 483, quoted in Lyles, "Hostile Reaction to the American Views of Johnson and Wesley," 7. Copies of "*A Calm Address*" were sent to New York for distribution in America, but a friend of Methodist interests had the copies destroyed. Raymond, "I Fear God and Honour the King'," 324. Nonetheless, certainly the word spread throughout America that Wesley was espousing a Tory position. Sweet, "Role of the Anglicans," 67; Raymond, "I Fear God and Honour the King'," 318. Tyerman, *Life and Times of the Reverend John Wesley*, 3:194 (quote). Butler, *Religion in Colonial America*, 134.

of malice and rage against the King, and almost all that are in authority under him. I labour to put out this flame.” Wesley traveled to Bristol in February 1777 to discourage domestic unrest and later endorsed a proposal for the enlistment of British Methodists in the militia to repel a possible French invasion after France entered the war (a far cry from the pacifism of Virginia Methodists).<sup>28</sup>

Claims that Wesley was paid by the ministry have also been investigated in detail. Wesley himself angrily responded to such claims that at his station in life (73 years old in 1776) and having refused numerous opportunities for personal advancement, he was not interested in ministry support, declaring in a letter to *Lloyd's Evening Post* that he wrote his *Calm Address*: “Not to get money.” “Not to get preferment for myself or my brother’s children.” “Not to please any man living, high or low.” Rather, he sought to quiet British unrest and to end the war. Certainly, as the British ministry struggled with domestic opposition and the need to encourage recruiting, it welcomed and encouraged the support of one of Britain’s most popular ministers (if not *the* most popular).<sup>29</sup> As one commentator noted, the British ministry funded other supporters’ literary efforts, but Wesley’s support of the ministry was “free if not unsolicited.” The ministry specifically

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28 *Journal of the Rev. John Wesley*, VI:82, November 11, 1775; see also Holland, “John Wesley and the American Revolution,” 203. *Ibid.*, 202, quoting Wesley from Gill, ed., *Selected Letters*, 167-68. Raymond, “‘I Fear God and Honour the King’,” 319, 327.

29 Sweet, “Role of the Anglicans,” 65-66 n.30. “[N]o ecclesiastical personage of the realm swayed a wider influence over the masses, on questions involving religious issues.” Wesley preached 20-30 times a week throughout England. Tyerman, *Life and Times of the Reverend John Wesley*, 3:187, 188. Methodists were still a small percentage of the English population, but their numbers were growing very rapidly, and Wesley was immensely popular even among many who were not strictly Methodists. Conway, *British Isles and the War*, 243.

ordered distribution of Wesley's *Calm Address* at parish churches. There is a good indication that the ministry did offer Wesley remuneration and advancement, but apparently the Methodist minister rejected any such offers other than a contribution of £50 for a chosen charity. Other offers of ministry support were simply turned away.<sup>30</sup>

Despite the rational concern of Virginia recruiters, the British ministry did not utilize Wesley or others to encourage loyalism among Virginia dissenters. Even in the case of Methodists, in which encouragement at that time would not necessarily have been inconsistent with a post-war episcopate, Britain sought to pacify and neutralize the revolt in America. In fact, for the first several years of the war, the disdain of British officials for American fighting ability tended generally to discourage British efforts to enlist military support among the Americans, much less American dissenters. British officials were certainly uninterested in engaging in a dialogue or creating any new political mechanisms which might have brought local dissenters more fully into the polity, potentially republicanizing the system. Any thought of modifying colonial political structure was focused on strengthening the control from Britain and of British institutions, for example royal governors. Thus, the question of Wesley's reaction to the war, and the ministry's reaction to Wesley, is emblematic of British treatment of religious dissent during the war: The ministry's concern was focused clearly on assuaging domestic, rather than American, dissenters and did not presage substantial changes in the political structure.<sup>31</sup>

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30 Wilson, *Sense of the People*, 241. Raymond, "I Fear God and Honour the King'," 321-22. Tyerman, *Life and Times of the Reverend John Wesley*, 3:191.

31 Ferling, *Almost a Miracle*, 415-16 (British failure actively to recruit loyalists in first three years of the war).

The same pattern was evident in British liberalization of religious toleration in both Ireland and England during the war. British officials might have emphasized these policies to American dissenters as further evidence of the historic role of royal officials as protectors of religious toleration (setting aside the anti-Catholic feelings of American Protestants, especially in New England). Yet, it appears that nothing was done in this regard; rather, liberalization in Ireland from 1778 to 1782 and in England in 1779 was for domestic consumption, an attempt to encourage Irish enlistments in the British Army and to discourage any thoughts of insurrection in Ireland or political opposition in England. “The reforms of 1778-82 can equally well be seen, ... as war-induced concessions designed to build national unity and promote the recruiting of the armed forces.”<sup>32</sup>

“[A]bove all, ministers appear to have been influenced by the manpower needs of the British army.” The point is that while the ministry was actively engaged in the question of using religion – even Catholics and, in Scotland, Presbyterians – to facilitate mobilization, that effort was focused entirely on Britain. To the extent British leadership could make an appeal to dissenters at all, their first concern was domestic tranquility and recruitment. Religious policy in Britain was neither liberalization for liberalization’s sake, nor was it focused on (or even peddled in) America. Certainly it was not intended to

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32 Gewehr, *Great Awakening*, 158. Buckley, *Church and State*, 4. Conway, *British Isles and the War*, 240 (quote). Bonwick, *English Radicals*, 5.

change the political structure, as the development of religious freedom in revolutionary Virginia inevitably did.<sup>33</sup>

### Conclusion

Governor Dunmore sought to awaken loyalism in Virginia for well over a year, but apparently never appealed directly to Virginia's dissenters. Episodic actions by British officials during the war (for example the Carlisle Commission "Proclamation") suggest that they were aware of the potential importance of dissenters to effective mobilization in America, and one might have expected British leaders to convert that awareness into action, capitalizing on the historic association of royal officials with protection of dissenters. Yet, a detailed review of military and political correspondence shows that the British failed to encourage dissenter support in America. Indeed, treatment of the topic in British sources is, at best, sporadic.<sup>34</sup> When the topic was considered, British strategists did not see the issue of religious toleration as presenting a significant opportunity; in fact,

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33 Conway, *British Isles and the War*, 247-249, quote at 251. That the British ministry may have miscalculated, with Catholic relief precipitating the Gordon Riots, *ibid.*, 253 *et seq.*, does not change the motivations for the reforms.

British efforts to avoid changes in the polity were also evident in the pre-war years as conflicts with the colonials escalated. For example, Dunmore (and other governors) were urged from London to oppose any increase in representation in the colonial legislatures. See Papers of Lord Dunmore, Commissioners of Trade and Plantations to Dunmore, March 2, 1773, 1:164-65 ("Your Lordship cannot be ignorant that the practice in the Colonies of increasing without the consent of the Crown, the number of Representatives and the making of other regulations in that respect, has been the subject of very serious deliberation, and had induced the inserting in your general Instructions, that article which contains a positive prohibition of your assenting to any Law that should have that Effect.").

34 Materials reviewed for these purposes, in addition to those cited elsewhere, include the correspondence of the British Commander-in-Chief (Jeffrey Amherst); the War  
(footnote continued)

they concluded that they had been far too tolerant during the colonial period, effectively precluding action during the war to utilize toleration or religious freedom to encourage support. They also lacked a political forum in which to engage American dissenters had they chosen to do so.

By comparison, rather than being an impediment to successful mobilization, the differences between Virginia's establishment and dissenters – through extensive and extended negotiations and dialogue and a pattern of legislative reform – became a means to encourage mobilization and to broaden participation in the revolutionary polity itself. The war essentially reversed the position of the local elite and the British government in terms of the promise to dissenters. The result was not only the successful mobilization of America's most populous and productive colony, but the development of what may be the most important legacy of the war (and America) to the world – religious freedom.<sup>35</sup>

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Office records, the records of the Secretary of State, including those relating to ecclesiastic matters, in the British National Archives, correspondence between Sir Henry Clinton and Lord Cornwallis, and the papers of the Bishop of London (the Fulham Palace papers).

35 E.g. Thom, *Struggle for Religious Freedom*, 78 (554) (religious liberty is “the greatest distinctive contribution of America to the sum of Western Christianized Civilization”). Humphrey, *Nationalism and Religion*.

## CHAPTER 6: WHAT DID THEY FIGHT, AND BARGAIN, FOR?

*This Court has considered the happenings surrounding the Virginia General Assembly's enactment of "An act for establishing religious freedom," ... written by Thomas Jefferson and sponsored by James Madison, as best reflecting the long and intensive struggle for religious freedom in America, and as particularly relevant in the search for First Amendment meaning.*

*McGowan v. Maryland, 366 U.S. 420, 437 (1961).*

Dissenters' insistence on religious freedom in return for their support for the war effort was at the center of Virginia's liberalization of religious freedom from 1775 to 1781, including the adoption of Article 16 of the Virginia Declaration of Rights in 1776 and the end to establishment taxes in 1779. Establishment leaders, desperate for support for mobilization and pressed by a significant contingent of Enlightenment thinkers in their midst, grudgingly and slowly acceded to these reforms. After Yorktown, when the need for support for mobilization evaporated, establishment leaders reasserted their dominance, and efforts to bring religious freedom to full fruition in Virginia foundered; in a hurried legislative session in the waning days of 1784, a general establishment for all Christian denominations came within a hairsbreadth of adoption.

Yet, by that time, the war and the process of negotiation with dissenters which it encompassed had irrevocably changed the political dynamic in the Old Dominion. Dissenters were no longer political and social outcasts. The negotiations had brought the dissenters into the center of the body politic, forcing the political establishment to engage with that increasingly powerful political group. Adding to the impact of dissenters' political activity, and contributing to the republicanization of the state, dissenters' raw politi-



cal power had grown substantially in the latter part of the 1770s and into the 1780s as the General Assembly was forced to create new, western counties. As a result, after a few missteps, the full weight of the now-politicized Baptists and Presbyterians was brought to bear against proposals for a general assessment and, instead, Thomas Jefferson's Statute for Establishing Religious Freedom was finally adopted. James Madison, who a few years later played the leading role in the adoption of the First Amendment, was at the center of these Virginia debates and negotiations.

As this study has shown, these machinations culminating in adoption of Jefferson's Statute in 1786 marked not only a striking change in the political fortunes of the dissenters from the pre-revolutionary period, but they were also fundamentally different from the negotiation which occurred during the war. Contrary to the view that the pre-war democratic structure of dissenting churches became a model for the democratization of America before, during and after the war,<sup>1</sup> the war negotiations themselves – forcing the establishment to engage intimately with a far broader population – democratized Virginia's politics, a point which the establishment leaders seemed to recognize too late to save their general assessment proposal or to block adoption of Jefferson's Statute. Long-term, the changes in Virginia wrought by the negotiations over religious freedom presaged the decline of the pre-war deferential, hierarchical political system and the development of Jefferson's Republican majority and the "Revolution of 1800."

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1 Compare Heimert, *Religion in the American Mind*; Bonomi, *Under the Cope of Heaven*, 184-86. Heimert's theory, especially his emphasis on Calvinist evangelicals, has been roundly criticized. Compare Morgan, review, "Alan Heimert, Religion and the American Mind," 454-59, and Bailyn, "Religion and Revolution," 85-169.

Others have explained the central role that these developments in Virginia had for the evolution of religious liberty in America. This was not simply a matter of James Madison's role as the primary draftsman of the Bill of Rights, but more fundamentally Virginia proved to be a model for the nation's understanding of what its new found liberties would encompass. To understand the implications of this, then and now, one must remember that before the war Virginia had one of the strongest establishments in the colonies and undoubtedly was the most aggressive in active persecution of dissenters.<sup>2</sup> The transformation which occurred in Virginia, the largest and most populace state, was a clarion call and a bellwether for developments throughout the new republic.

In several seminal First Amendment cases, the Supreme Court has recognized the critical national role played by the development of religious freedom in Virginia. As the Court noted in *Everson v. Board of Education*, the "movement toward this end [religious liberty] reached its dramatic climax in Virginia in 1785-86." "Virginia ... provided a great stimulus and able leadership for the movement." "This Court has previously recognized that the provisions of the *First Amendment*, in the drafting and adoption of which Madison and Jefferson played such leading roles, had the same objective and were intended to provide the same protection against government intrusion on religious liberty as the Virginia statute [for Establishing Religious Freedom]." Chief Justice Warren explained the matter thus:

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2 E.g. McConnell, "Origins and Historical Understanding," 1423, citing Cobb, *Rise of Religious Liberty*, 93, 111-14; Curry, *First Freedoms*, 134-35; Isaac, *Transformation*, 148 *et seq.*

This Court has considered the happenings surrounding the Virginia General Assembly's enactment of "An act for establishing religious freedom,"... written by Thomas Jefferson and sponsored by James Madison, as best reflecting the long and intensive struggle for religious freedom in America, and as particularly relevant in the search for First Amendment meaning.<sup>3</sup>

Historians have broadly agreed.<sup>4</sup>

In the face of that general consensus, some have criticized overemphasis on Virginia. Ellis West, for example, urges that "[t]he only honest conclusion to be drawn is that the founders were divided over how to protect religious freedom."<sup>5</sup> These criticisms miss the mark. While it is true that the First Amendment evidences a negotiated amalgam of a broad set of views, at a more fundamental level these critics seem to deny the

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3 330 U.S. 1, 11, 13 (1947). *McGowan v. Maryland*, 366 U.S. 420, 437 (1961). See also *Everson* at 33 (Justices Rutledge, Frankfurter, Jackson and Burton dissenting) ("No provision of the Constitution is more closely tied to or given content by its generating history than the religious clause of the First Amendment... [including] the long and intensive struggle for religious freedom in America, more especially in Virginia") (footnote omitted); *Reynolds v. United States*, 98 U.S. 145, 162-63 (1879) (centrality of Virginia's experience and Madison's efforts).

4 See, e.g., Butler, *Awash*, 265 ("The Virginia debate and the Act for Establishing Religious Freedom directly affected the conceptualization and passage of the First Amendment to the Constitution"); Peterson and Vaughan, eds., *Virginia Statute for Religious Freedom*, x; Marty, "Virginia Statute Two Hundred Years Later," 1 ("The Virginia event, by common consent, was the most decisive element in an epochal shift in the Western world's approach to relations between civil and religious spheres of life after fourteen centuries"); Pfeffer, "Madison's 'Detached Memoranda,'" 285 ("Nor can there be any doubt that together, the 'Memorial and Remonstrance' and the Virginia Statute furnished a historic basis for the adoption, five years later, of the First amendment"); Stokes, *Church and State*, I:366 (the Virginia Statute "influenced the American theories of Church-State separation and religious freedom more than any other historical factor").

5 Dreisbach, "Church-State Debate," 155; Kauper, *Religion and the Constitution*, 48-50. West, "Case Against," 620. Curry argues that the First Amendment "did not represent the triumph of one particular party or specific viewpoint over a clear or entrenched opposition, but rather a consensus of Congress and nation." *First Freedoms*, 193.

special role of the Virginia debates and the entrenched opposition that Virginia dissenters, and their Enlightenment supporters, overcame. No one suggests that only Virginia's experience is relevant, but that experience was seminal and fundamental. To the extent that one is seeking the historic antecedents of religious liberty in America, the Virginia experience was unique and uniquely important. Moreover, the result in Virginia was one in which the role of the dissenters' fight and their negotiations were understood to be formative. As is usually the case in considering legislative history, the question is not, was there one voice, but, rather, are there voices that require particular consideration?

Based on Virginia's role as a crucible for America's religious freedom, the courts and legal historians have repeatedly turned to the writings of Madison and Jefferson to analyze the meaning of the First Amendment and religious freedom generally. The Supreme Court on several occasions has given preeminence to the role of Madison's *Memorial and Remonstrance* in the defeat of the proposal for a general assessment and adoption of Jefferson's Statute. Both the majority and dissent in *Everson* turned to Madison's *Memorial*, although the dissent's explanation for doing so was more eloquent:

[Madison's] Remonstrance is at once the most concise and the most accurate statement of the views of the *First Amendment's* author concerning what is 'an establishment of religion.' Because it behooves us in the dimming distance of time not to lose sight of what he and his coworkers had in mind when, by a single sweeping stroke of the pen, they forbade the establishment of religion and secured its free exercise,...

The dissent concluded that "[t]he Remonstrance, stirring up a storm of popular protest, killed the Assessment Bill." Jefferson's views, particularly his 1802 letter to the Danbury

Baptist Association (referring to a “wall of separation” between church and state), have also been the object of much judicial and historical cogitation.<sup>6</sup>

Yet, without taking anything from either Madison’s or Jefferson’s enormous contributions, while the Statute for Establishing Religious Freedom and Jefferson’s and Madison’s views of religious freedom have been seen as foundational in the interpretation of the First Amendment, these documents and advocates were, after all, in some sense secondary. The Baptist and Presbyterian petitions in opposition to the general assessment were at least as important as Madison’s eloquent *Memorial* in the defeat of the assessment and adoption of Jefferson’s Statute. More importantly, the change in Virginia politics which allowed adoption of religious liberty in the first place had far more to do with the dissenters’ views than the erudite reasoning of Madison and Jefferson.<sup>7</sup> Unfortunately-

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6 See, e.g., *Everson*, 330 U.S. at 11-12 (“Thomas Jefferson and James Madison led the fight against this tax. Madison wrote his great Memorial and Remonstrance against the law.... Madison’s Remonstrance received strong support throughout Virginia,...”) (footnotes omitted); *ibid.* at 38 (Justices Rutledge, Frankfurter, Jackson, Burton dissenting) (quotes) (fn omitted); *Illinois ex rel. McCollum v. Board of Education*, 333 U.S. 203, 214, 247-48 (1948) (opinion of Justices Frankfurter, Jackson, Rutledge and Burton) (Justice Reed dissenting); *Reynolds*, 98 U.S. at 163-64 (quoting letter to Danbury Baptist Association); See also *City of Boerne v. P.F. Flores*, 521 U.S. 507, 560-61 (1997) (Justices O’Connor and Breyer dissenting) (Madison “took the case against religious establishment to the people of Virginia in his now-famous ‘Memorial and Remonstrance Against Religious Assessments.’... This pamphlet led thousands of Virginians to oppose the bill and to submit petitions expressing their views to the legislature.”)

7 Commentators have made the same error. See, e.g., Malbin, *Religion and Politics*, 25, 36 (Madison in *Memorial* and Jefferson’s Statute “were, for our purposes, the most important of the views expressed during the ten years of Virginia debate;” “Jefferson’s thoughts were the deepest and best expression of – if not the source of – the consensus of opinion reached in Virginia in the 1780s”). One commentator in discussing the general assessment battle focuses on Jefferson and Madison so that he can argue “in many respects it was Jefferson and Madison’s position that was eccentric at the time.” McLoughlin, “Role of Religion,” 222. To ignore the dissenters in the fight over the gen-  
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ly, even when legal historians have recognized the necessity of looking beyond the writings of a few founders to the views of Virginia's dissenters, they repeatedly fall back on the rarefied (and politicized) sources.<sup>8</sup> The history of the rise of religious liberty in Virginia speaks in a much different voice than that relied upon generally by both courts and commentators: it speaks in the voice of religious dissenters.

In evaluating what the Virginia experience may have to tell us concerning the meaning of religious liberty, several important questions need to be considered. First, should the view of the dissenters be particularly privileged in understanding the meaning of religious freedom in Virginia (and, thus, America)? Second, what did the dissenters mean by religious freedom?

### **Privileging the Dissenters**

To the extent that the courts, legislators and legal historians have found the adoption of Jefferson's Statute for Establishing Religious Freedom to be relevant to their un-

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eral assessment as a means to isolate Jefferson and Madison is disingenuous, as is McLoughlin's claim, based upon the short-lived Presbyterian petition of 1784, that dissenters acquiesced in the general assessment. *Ibid.*, 221. By comparison, Humphrey concludes that "Madison, rather than originating the idea, learned it from his Baptist neighbors of Orange County, Virginia." Humphrey, *Nationalism and Religion*, 362.

8 E.g. McConnell, "Origins and Historical Understanding," 1409, 1437-43 (recognizing need to analyze evangelicals' views but repeatedly turning to Madison and Jefferson for those views); Stokes, *Church and State*, I:391 ("Madison's remarkable paper was *mainly responsible* for this result... Some of the dissenting churches, such as the Baptist and Presbyterian, aided the political liberals in securing this result.") (emphasis added).

For another discussion of the problem of lawyers' over-reliance on a few political leaders in analyzing legislative history, see Halliday and White, "Suspension Clause" (forthcoming, May 2008), 6-8.

derstanding of the First Amendment, they have failed to consider adequately the views of Virginia's dissenters.<sup>9</sup> The Supreme Court has repeatedly recognized the centrality of the rich and extended period in which religious freedom was deeply contested in Virginia. In *Everson* the Court explained that "Virginia, where the established church had achieved a dominant influence in political affairs and where many excesses attracted wide public attention, provided a great stimulus and able leadership for the movement [for adoption of First Amendment]." The Court felt it important to note that "Madison's Remonstrance received strong support throughout Virginia."<sup>10</sup>

Yet, once one accepts the centrality of the Virginia experience to development of American religious liberty, there are several reasons why the views of Virginia's dissenters on the meaning of religious freedom should be particularly privileged. As a general matter, if Jefferson's Statute and Madison's *Memorial* are relevant history, the understanding of the dissenters which was at the heart of the development of those iconoclastic documents is *at least* as relevant. Certainly the history of their negotiations provides "*reliable* evidence of [the nature of the] consensus within the legislature" when Jefferson's

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9 The Virginia experience goes beyond normal sources of legislative history, generally understood to include legislative reports, debates, hearings, and possibly drafting documents or signing statements by the executive. *E.g.* Eskridge, Frickey and Garrett, *Legislation*, 295. The relevance of legislative history is discussed generally in McConnell, "Origins and Historical Understanding," but as McConnell notes, almost all scholars and jurists concede the relevance of legislative history to modern interpretation; they disagree on the extent to which it should be dispositive.

10 *Everson*, 330 U.S. at 11, 12.

Statute and earlier reforms were adopted, even if that consensus was initially necessitated by the needs of war mobilization.<sup>11</sup>

In analyzing legislative history, it is commonplace that one seeks the historical antecedents of the provision in question. In this case, while the Statute for Establishing Religious Freedom is certainly a historic antecedent of the First Amendment, more fundamentally the dissenters' petitions, and the negotiations which they evidence, were antecedents of the Statute. Looked at in other terms, to say that Jefferson's Statute was the culmination of a ten-year struggle in Virginia requires one to consider the struggle, which was emphatically not a dry philosophical debate between Jefferson and establishment leaders on Lockean doctrine. Madison made a similar point in a different context, urging that to the extent one looked to the history of the acceptance and ratification of the Constitution, one should look beyond the views of the founders to the views of the "nation."<sup>12</sup>

This entire work speaks to the centrality of the role of the dissenters in the development of religious liberty in Virginia and the manner in which adoption of the Statute for Establishing Religious Freedom was the culmination of their negotiation with political leaders. This is not to say, as a number of sectarian historians have claimed, that the language of Jefferson's Statute was, itself, developed by the dissenters or at their behest.<sup>13</sup> Still, it was because of dissenters' interest in these issues that they took center stage

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11 Eskridge, Frickey and Garrett, *Legislation*, 296.

12 James Madison to Thomas Ritchie (Sept. 15, 1821), quoted in Kurland and Lerner, eds., *Founders' Constitution*, I:74. See also Van Patten, "Partisan Battle over the Constitution," 399.

13 Compare Howell, *Early Baptists of Virginia*, 122 (Baptist General Convention proposed Statute on Religious Freedom in 1777; Jefferson and Madison drafted at Reu-  
(footnote continued)



during the Revolution when, as Anglican petitions repeatedly complained, the General Assembly had “more immediate” tasks with which to occupy itself. Ultimately, it was dissenters who played the crucial role in the end to establishment taxes and the defeat of the general assessment bill which paved the way for Jefferson’s Statute. Even if one assumes that Madison would have proposed the necessity of “religious freedom,” rather than “toleration,” in the Virginia Declaration of Rights without concern for dissenters’ agitation – a questionable assumption, absent the dissenter opposition to a general assessment it seems highly likely that Henry would have had his way and Jefferson’s Statute would not have been adopted.

Second, at a very fundamental level the development of religious freedom in Virginia was a negotiation in which the political establishment – slowly, grudgingly, step-by-step – ceded religious liberty in return for support for mobilization in the war effort, support which the dissenters provided. Thus, there was a “deal” for religious liberty; as a result, dissenters had a legitimate expectation that they would receive something in return for their support for mobilization. In such circumstances, the views of the dissenters on what it was they were trading for takes on even greater significance.

This argument comes closest to the “Imaginative Reconstruction” argument framed by legal academics: “[w]hat the law-maker meant by assuming his position, in

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ben Ford’s request in 1778) and Patton, *Triumph of the Presbytery of Hanover*, 51-52 (Jefferson drew up the bill after 1776 Presbyterian memorial and nothing in the bill was not from memorial). Neither is accurate. Whether or not Baptists or Presbyterians discussed these issues with Jefferson before he drafted, attributing Jefferson’s Statute to earlier documents, e.g. Howell, *Early Baptists of Virginia*, 123, is unjustified. See generally Appendix B: Baptists v. Presbyterians.

the surroundings in which he acted, and endeavoring to gather from the mischiefs he had to meet and the remedy by which he sought to meet them, his intention with respect to the particular points in controversy.”<sup>14</sup> Here, the historical message of such an exercise is clear: The dissenters, the key constituency which had to be enticed to support mobilization for the war effort, had an identifiable and important perspective on the necessary meaning of religious freedom. To the extent that there was a “bargain” for religious freedom, just as in a contract, the intent of the parties to that deal is certainly centrally relevant. While there may be an irony that Virginia’s dissenters, who were persecuted before the war by the establishment, came to define what establishment and religious freedom mean, this was the result of the political compromises necessitated by war.

Third, to the extent that Madison’s view of the meaning of religious freedom is given central importance, and his activity in shepherding the adoption of the Statute for Establishing Religious Freedom and the First Amendment is to be credited, it is particularly relevant that Madison’s election to both the Virginia constitutional convention and the House of Representatives depended upon the support of the dissenters in his congressional district (primarily Baptists) and their understanding that he would pursue adoption of constitutional protections for religious freedom. Presumably, their support for his candidacy was based upon an assumption that the religious freedom which Madison would pursue would be the religious freedom that the dissenters sought.

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14 Eskridge, Frickey and Garrett, *Legislation*, 218-19. Pound, “Spurious Interpretation,” 381.

A number of sources have recorded Madison's electoral involvement with the Baptists in different manners, but the essence of the story remains the same. In March of 1788, the Virginia Baptist General Committee unanimously agreed that the proposed federal Constitution did not adequately protect religious liberty. At the time, numerous Baptists were joining Patrick Henry's vocal opposition to the Constitution. Madison's father warned him in early 1788 of growing Baptist opposition. Virginia's ratification of the Constitution hung in the balance, as did the effective formation of the federal union.<sup>15</sup> Thus, it was an ominous development when the popular Baptist preacher John Leland, opposing the Constitution as written and supporting Henry's demand for amendments prior to ratification, declared as a candidate for the Virginia ratification convention from Orange County, a Baptist stronghold and Madison's home. Yet, after an extended discussion with Madison on the eve of the election concerning, *inter alia*, rights of conscience, Leland withdrew from the race and urged support for Madison, reportedly doing so at a public gathering on election day.<sup>16</sup> Early the following year, after Madison was denied a position in the U.S. Senate by the Virginia legislature dominated by Henry (still angry about his defeat in the convention), Madison's election to the U.S. House of Representatives was threatened by a strong anti-federalist campaign (running none other than James Monroe). Again, throughout the district "there was a strong Baptist sentiment, and

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15 Semple, *History of the Baptists*, 102. Letter from James Madison, Sr. to James Madison, Jr. (January 30, 1788), Rutland and Hobson, eds., *Papers of James Madison*, 10:446. E.g. Smith, *Constitution: A Documentary and Narrative History*, 246-47.

16 Ryland, *Baptists of Virginia*, 134. See also Elder John Leland to the Honorable G.N. Briggs, Governor of Massachusetts, Briggs to William B. Sprague, Sprague, *Annals of the American Pulpit, Volume VI, Baptists*, 180 (at public meeting on election day, Leland "went in for Mr. Madison; and he was elected without difficulty").

in most of [the counties in his district] the Baptist element was large enough to hold the balance of power.” A decisive showing in strongly Baptist Culpeper County proved critical to Madison’s election. As the editors of Madison’s Papers explain, during the campaign for the seat to Congress, Madison

denied rumors of his reported opposition to a bill of rights, lest gossip cost him the support of the dissenting religious sects, notably the Baptists, who were politically active not only in Culpeper but throughout the district. Soon after returning home JM wrote Baptist preacher George Eve to reassure him that his devotion to the cause of religious liberty had not abated and that he now favored adding to the Constitution a declaration of fundamental rights, including “the rights of Conscience *in the fullest latitude*.” Pastor Eve responded by actively promoting JM’s candidacy among his flock, as did the Reverend John Leland, the leader of the Virginia Baptists....<sup>17</sup>

After Madison’s election to the House of Representatives, Leland wrote him requesting that “if religious Liberty is anywise threatened, that I shall receive the earliest Intelligence.”<sup>18</sup>

As expected, Madison introduced constitutional amendments in the first federal Congress, indicating as he did so not only the necessity of amendments for the good of

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17 James, *Documentary History*, 161. James provides an extended discussion of Madison’s dependence upon the Baptists for both his election to the Virginia Convention and the House of Representatives. *Ibid.*, 159-68. Rutland and Hobson, eds., *Papers of James Madison*, 11:303-04 (emphasis added). Madison’s letter to the Reverend Eve appears at pages 404-05 of that volume.

18 John Leland to James Madison, February 15, 1789, Rutland and Hobson, eds., *Papers of James Madison*, 11:443. In this same letter, Leland seems to allude to his support for Madison’s election to Congress, stating “if my Undertaking in the Cause conducted Nothing else toward it, it certainly gave Mr. *Madison* one Vote.” This letter is discussed in Alley, *History of Baptists in Virginia*, 118. While Alley questions whether Leland actually played a significant role in Madison’s election, there seems little reason to question the general outline of the common account, and Leland’s recollection supports it. See James, *Documentary History*, 157-58.

the republic (particularly bringing into the union reluctant Rhode Island and North Carolina which initially refused to endorse the Constitution in part because of a lack of express protection of fundamental rights) but a sense of obligation to his constituents.<sup>19</sup>

While some have characterized Madison's commitment to the Bill of Rights as a *quid pro quo* for Leland's support for his election to the Virginia Convention, it is fair to say that he saw his constituents – a group in which both Baptists and Presbyterians had strong influence – as insisting upon a clearer protection of religious liberty and felt an obligation to deliver those protections. The progression of events – the initial decision of the Baptist General Committee to oppose the Constitution, Leland's election day change of heart, Madison's letter to the Baptists during his election to Congress and the electoral role of the Baptists in both Madison's election to the Convention and to the House of Representatives – suggests that the view of the Baptists might have been particularly weighty in Madison's assessment.<sup>20</sup> In fact, Madison later found it relevant to report to George Washington that “[o]ne of the principal leaders of the Baptists lately sent me word that the amendments [the proposed Bill of Rights] had entirely satisfied the disaffected of his Sect, and that it would appear in their subsequent conduct.”<sup>21</sup> Under such circumstances, in seeking to divine Madison's intent in urging adoption of the First Amendment, it is not

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19 E.g. James, *Documentary History*, 165-66; Curry, *First Freedoms*, 199-200.

20 James, *Documentary History*, 152 *et seq.* The dissent in *Everson* saw these developments as an additional reason to focus on Madison's commitment to the development of an amendment protecting religious liberty. 330 U.S. at 39n26 (Justices Rutledge, Frankfurter, Jackson and Burton dissenting) citing James, *Documentary History*, 154-58.

21 James Madison to George Washington, November 20, 1789, Hobson and Rutland, eds., *Papers of James Madison*, 12:453.

unreasonable to give particular consideration to the meaning of religious liberty as understood by Virginia's dissenters.

While the Supreme Court has repeatedly privileged James Madison's *Memorial and Remonstrance* and Jefferson's views on religious liberty, and with good cause, at least equal weight should be given to the understanding of the Virginia dissenters. To the extent that Virginia's struggle for religious freedom was a model closely watched and embraced by the nation, the dissenters' negotiations – not Jefferson's or Madison's theorizing – were the central drama in that struggle.

### **The Meaning of Religious Freedom**

Privileging the dissenters' understanding leaves the complex task of seeking to divine the dissenters' intentions from scores of petitions and other sources from multiple ministers, congregations and denominations. A careful review of those sources, however, can reveal a great deal about the dissenters' understanding of what they were seeking in the development of religious freedom.

In analyzing the meaning of religious freedom, it is perhaps unavoidable that one use the structure of the First Amendment concerning the "establishment" of religion (as in "Congress shall make no laws respecting an establishment of religion") and its "free exercise" (as in "or prohibiting the free exercise thereof"). Of course, the language of the First Amendment was not agreed until 1789, but the concepts involved were of longstanding in debates concerning religious liberty. The question of "establishment" raises issues relating to whether the United States was understood to be a "Christian nation," discrimination among sects or between religion and irreligion, and, more generally,

the question of separation of church and state. The issue of “free exercise” raises questions concerning whether authority exists to regulate religion and when, if ever, religious tenets justify an exemption from an otherwise valid law. While establishment and free exercise issues are not mutually exclusive, this dichotomy provides a useful structure for considering dissenters’ understanding of the meaning of freedom of religion.

Establishment: Of course, there is little question that Virginia’s dissenters saw an end to the “establishment” of religion in Virginia as essential both to the development of religious liberty and to their willingness to support the patriot war effort. What, precisely, they meant by an end to establishment, however, is more complicated.

Many modern writers have argued that early American notions of protection against a state establishment must be read in the context of the founders’ understanding and recognition that the United States was, and would be, a “Christian nation.” Advocates of the Christian nation theory rely, for example, on express provisions in many of the original state constitutions – not including Virginia – which recognized the Christian nature of their state and/or restricted key political positions to Christians.<sup>22</sup> Of course, to

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22 *E.g.* Delaware Constitution, Art. 22 (1776) (oath for office includes trinity, old and new testaments); Maryland Declaration of Rights, Art. 33 (1776) (protection for Christians); Massachusetts Constitution, Art. 3 (1780) (permitting establishment of Protestant religion); New Hampshire Constitution, Art. 6 (1784) (protection for Christians); New Jersey Constitution, Art. 19 (1776) (Protestants protected); New York Constitution, Art. 42 (1777) (anti-Catholic); North Carolina Constitution, Art. 32 (1776) (Protestant office holders); Pennsylvania Constitution, Sec. 10 (1776) (office requires belief in God, old and new testaments); South Carolina Constitution, Arts. 3, 12 (1778) (Protestant office holders). While such policies were largely reformed by the middle of the nineteenth century, the First Amendment was made directly applicable to the states only when the Supreme Court decided in 1940 that it was part of, “incorporated” in, the liberty protected against state interference by the Fourteenth Amendment. *Cantwell v. Connecticut*, 310 U.S. 296 (1940). Recognizing that the First Amendment did not initially apply to the

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the extent that such a claim is made only to state the historical fact that most citizens considered themselves Christians, and that the founders believed that Christian virtue would contribute to the progress of the nation, there is really no issue.<sup>23</sup> To the extent that the claim is made to somehow indicate a prescriptive definition or the ability of the government to prefer Christianity, the history of Virginia's dissenters during the American Revolution suggests otherwise.<sup>24</sup>

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states is important to understanding much of the rhetoric concerning the First Amendment in the first federal Congress and early national period. For example, while restricting federal ability to establish religion or interfere with free exercise, some representatives were at least as concerned to prevent the federal government from interfering with a state's right to establish or regulate religion within their borders. *See, e.g.,* Malbin, *Religion and Politics*. Thus, the fact that after the adoption of the Bill of Rights some states maintained laws which would now be understood to violate the First Amendment does not mean that such laws were viewed as consistent with the First Amendment at the time; rather, the First Amendment was simply not applicable to the states.

23 For example, George Washington's Farewell Address (September 17, 1796) warned: "let us with caution indulge the supposition that morality can be maintained without religion." Quoted in McConnell, "Origins and Historical Understanding," 1441. Similarly, the critically-important petition which recanted Presbyterian ministers' support for a general assessment recognized the "happy influence of Christianity" on society, but made it clear that Christianity's influence was never so effective as when left alone by government. Miscellaneous Petition (November 2, 1785). McConnell makes the same point; "these advocates did not deny that religion is necessary to civil society.... But they did deny that government support is necessary, or even useful, to religion." "Origins and Historical Understanding," 1442 (footnotes omitted).

24 That extensive efforts were made, unsuccessfully, beginning during the Civil War and continuing in the latter part of the nineteenth and early twentieth centuries (and, with somewhat reduced zeal, into the middle of the twentieth century) to embed such an understanding in the Constitution has done little to reduce the ardor of advocates of a "Christian nation" moniker. *See* Stokes and Pfeffer, *Church and State*, 566-67 (beginning with the National Reform Association in 1863); Humphrey, *Nationalism and Religion*, 479 (at least nine failed efforts to add "God" or "Christian" to the Constitution at the end of the nineteenth and beginning of the twentieth century).



In fact, during the revolutionary era, Virginia's dissenters emphatically rejected the notion of restricting any elements or privileges of government to Christians or legislatively imposing religious requirements on anyone. Shortly after the adoption of the 1776 Constitution and Declaration of Rights guaranteeing "all men" religious liberty, the Presbytery of Hanover sent the legislature one of the critical petitions which began in earnest the battle for an end to the ecclesiastical establishment. That October 24, 1776 petition defined the religious freedom that Presbyterians were seeking in a remarkably liberal manner, stating emphatically that

there is no argument in favour of establishing the Christian Religion, but what may be pleaded with equal propriety for establishing the Tenets of Mahomed [sic] by those who believe the Alchoran [sic]; or if this be not true, it is at least impossible for the Magistrate to adjudge the right of preference among the various Sects that profess the Christian Faith, without creating a Chair of Infallibility which would lead us back to the Church of Rome.

For the Presbyterians, this was not a question of altruism in which they were willing to forego an advantage, but, rather, a matter of properly defining the authority of government. They objected to government taxation and expenditure "for any religious purpose."<sup>25</sup>

Nor was there any misunderstanding about what was at stake in defining religious freedom broadly. The *Virginia Gazette* (Dixon & Nicholson), apparently in response to the publication of a draft of Jefferson's Bill for Establishing Religious Freedom, urged instead that Christianity should be established while "Jews, Mohamedans [sic], Atheists

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<sup>25</sup> Miscellaneous Petition (October 24, 1776). Miscellaneous Petition (June 3, 1777). See also Orange County (Baptists) (November 17, 1785) (assessment "quite out of the province of any Legislature upon earth").

or Deists” would be tolerated but not permitted to hold office. Similarly, an Essex County petition urged that “no person not being Protestant nor professing the Christian Religion and living in conformity to the same, be permitted to hold or exercise any Civil Authority.” Lunenburg petitioners sought an establishment and toleration “[c]onfined to Christianity alone.”<sup>26</sup> Of course, those that supported the general assessment in 1779 and 1784-85 made just this argument – that religious freedom required only non-discrimination among Christian denominations, noting that the proposed assessment was “impartial as to preclude the remotest Jealousy of Preference to any Denomination of Christians.”<sup>27</sup>

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26 *Virginia Gazette* (Dixon & Nicholson), September 11, 18, 1779. Essex County (October 22, 1779). The Essex petition went on to attack dissenters, criticizing “Licentious and Itinerant Preachers” whose preaching called “Negroes & others” to meetings at unreasonable time. Lunenburg County (November 8, 1783). *See also* Amherst County (November 11, 1779) (supporting a general assessment and that no “Roman catholic, Jew, Turk or Infidel” be allowed to hold civil or military office) and (November 27, 1783).

At times, language in dissenter petitions seemed to make non-discrimination among Christians their object. In 1784, the Presbyterian Clergy sought an equal share “to all Denominations of Christians.” Miscellaneous Petition (May 26, 1784). Yet, the fact that discrimination was the immediate object of a particular complaint does not mean that a non-discriminatory establishment would be supported, as other petitions and declarations made clear. (It may also be noteworthy that the May 1784 Presbyterian clergy petition highlighting discrimination came immediately before the November petition from the Presbytery cautiously endorsing a general assessment and was also written in part by John Blair Smith. As explained in Chapter 4, the response from the Presbyterian laity demanding a retraction of any support for a general assessment, joined broadly by the ministry, was a ringing endorsement of religious freedom in the broadest terms.)

27 Mecklenburg County (November 2, 1785); Pittsylvania County (November 7, 1785); Lunenburg County (November 9, 1785); Mecklenburg County (October 26, 1785) (no preference for any “Denominations of Christians”).

While these views were forcefully presented, they were equally forcefully rejected and were certainly not the views of Virginia's dissenters who brought about the defeat of the general assessment and adoption of Jefferson's Statute. The Baptist Elder John Leland – who himself had suffered persecution in Virginia and who withdrew from the 1788 election for the Virginia convention in favor of Madison – in his 1790 recollection of Virginia's religious history, declared "[t]he very idea of toleration is despicable, it supposes that some have a preeminence above the rest to grant indulgence; whereas all should be equally free, Jews, Turks, Pagans and Christians." "The notion of a christian Commonwealth, should be exploded forever, without there was a Commonwealth of real Christians. Not only so, but if all the souls in a government were saints of God, should they be formed into a society by law, that society could not be a gospel church, but a creature of state." Leland, and other dissenters, understood this to be a matter not only of political, but of religious necessity. Leland explained "[i]f a creed or faith, established by law was ever so short and ever so true; if I believed the whole of it with all my heart, should I subscribe to it before a magistrate, in order to get indulgence, preferment or even protection, I should be guilty of a species of idolatry, by acknowledging a power, that the head of the church, Jesus Christ, has never appointed."<sup>28</sup>

If there was any real question in this regard, the debates over the proposed general assessment for "Christian" teachers make clear that this path was eschewed by Virginia, not by accident, but by choice and consistent with the understanding of dissenters about the nature of religious freedom. In fact, the entire battle concerning a general assessment

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28 Leland, *Virginia Chronicle*, 38, 24, 22n+.

leading to adoption of Jefferson's Statute, was a battle against non-discriminatory aid to Christian teachers; fundamentally, the assessment would have made Virginia a "Christian nation." Dissenters repeatedly warned the legislature that even a general benefit to all Christian sects was inappropriate and inconsistent with their understanding of both Christianity and religious freedom. The November 1785 petition from Presbyterian clergy which became a model for a number of other petitions explained that even a general assessment

unjustly subjects men who may be good Citizens, but who have not embraced our Common Faith, to the hardship of supporting a system, they have not, as yet, believed the Truth of; & deprives them of their property, for what they do not suppose to be of importance to them.... If the Assembly have a right to determine the preference between Christianity & the other Systems of Religion that prevail in the world, they may also, ... give a preference to some favoured sect among Christians.<sup>29</sup>

Such was simply beyond the purview of the legislature. A petition from Chesterfield County insisted

let Jews, Mehometans [sic], and Christians of every Denomination enjoy [sic] religious liberty, as the decliration [sic] of rights has invited them in which says no man or set of men are instituted to exclusive or separate emoluments or privileges from the community but in consideration of having rendered singular services to the state. therefore thrust them not out now by establishing the Christian religion lest thereby we become our own enemys [sic] and weaken this infant State.... [L]et Jews, Mehometans [sic], and Christians of every Denomination find their advantage in living

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29 Miscellaneous Petition (Presbyterian ministers in convention) (November 2, 1785) (written chiefly by William Graham). Madison's explanation of the problems with a Christian establishment is to the same effect; in his *Memorial and Remonstrance* he explains: "Who does not see that the same authority which can establish Christianity in exclusion of all other Religions, may establish, with the same ease, any particular Sect of Christianity, in exclusion of all other Sects." See also, e.g., Amherst County (October 28, 1785) (signature appended to the *Memorial*).

under your laws religion is of god to man the Civil law is of you to your people....and let the Church of Christ and religion alone....

This was joined by a petition from Montgomery County asking “Why then are Pagans & Mahomitans [sic] compelled to contribute to the Support of the Christian Religion?” Petitioners from Botetourt County reasoned that a general assessment would foolishly discourage “two thirds of the human race from coming into our country upon equal terms.”<sup>30</sup>

Thomas Curry seeks to dismiss these views, arguing that

[t]aken at face value these statements would appear to indicate that Virginians changed and broadened the meaning of establishment from an exclusive state preference for one church to one that embraced many churches or Christianity in general. Such was not the case, however. They used the concept in diverse and loose ways, without much debate or without forming in their minds a clear distinction between an exclusive and non-exclusive establishment.

This is clearly mistaken. As the quoted petitions, and dozens of others that copied their language and arguments, make clear, the dissenters were emphatically arguing against any establishment of (or aid to) religion, whether exclusive or non-exclusive. Nor was there likely a time in history when these matters were more thoroughly debated in a legislative body with more renowned members or input. Put simply, Curry’s comment makes no sense in the context of an epic battle to defeat a general assessment that was a non-exclusive establishment. (Madison’s *Memorial and Remonstrance* also repeatedly re-

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30 Chesterfield County (November 14, 1785); Montgomery County (November 15, 1785); Botetourt County (November 29, 1785). Madison added in his *Memorial and Remonstrance*, section 12, that any preference for Christianity would have the perverse tendency to discourage non-Christians from emigrating here (where they might be taught Christianity) and encourage states in “darkness” to discriminate against Christians, e.g. in immigration, again interfering with efforts at proselytizing. Madison, more than Jefferson, understood that a strict separation of church and state was needed to benefit religion.

ferred to the proposal as an “establishment.”) As noted below, the dissenters’ insistence upon a clear separation between church and state was also inconsistent with even a non-exclusive establishment. To the extent that the Virginia documents became models in the new union, these views require particular attention.<sup>31</sup>

Nor was the battle fought merely in passing or only as dicta in a substantive battle against taxes. When Jefferson’s Statute was before the General Assembly, for example, there was an effort to insert the phrase “Jesus Christ” in the preamble immediately before the term “holy author.” The dissenter petitions that had deluged the Assembly, however, were inconsistent with this type of approach; the “Spirit of the Gospel” petitions, authored by the Baptists, for example, evidenced a concern for those “who are not professors of the Christian Religion.” In the face of the dissenter opposition to any establishment, even discrimination in favor of all Christian denominations, their legislative supporters emphatically rejected the proposed amendment adding “Jesus Christ.” The con-

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31 Curry, *First Freedoms*, 147. Curry argues that the founders made no distinction between an exclusive and a non-exclusive establishment and, thus, the establishment clause was intended only to address discrimination among religions, i.e. an exclusive establishment. See also West, “Case Against,” 628. This certainly misrepresents the Virginia experience. One reason that Curry (and others) seem to underestimate the breadth of early Virginians’ conception of religious liberty is their inaccurate conclusion that the Virginia establishment before the Revolution was mild and could not, they surmise, justify such strict limitations on government power or a demand for separation of church and state. See, e.g., Curry, *First Freedoms*, 211 (criticizing Jefferson’s reliance on the history of church/state relations in Europe because Virginia establishment was “relatively mild”). This, though, is to ignore the dissenters’ perspective on the Virginia establishment or, as Conan Cruise O’Brien says in a different context, to engage in the “historical hubris” of believing that we know more about the eighteenth century than did those who lived in it. Curry’s reasoning also ignores the theological bases for a strict separation of church and state which were urged by the Baptists or the principle which motivated Jefferson. See also Fristoe, *Concise History*, 85-86 (objecting to general assessment’s impact on “avowed infidels”).

tention that religious freedom required only non-discrimination among Christian sects, a view often repeated today, was expressly addressed and rejected by the Virginia dissenters and their legislative supporters. Jefferson recounted the story thus:

Where the preamble declares that coercion is a departure from the plan of the holy author of our religion, an amendment was proposed by inserting the words "Jesus Christ," so that it should read "A departure from the plans of Jesus Christ, the holy author of our religion;" the insertion was rejected by a great majority, in proof that they meant to comprehend, within the mantle of it's [sic] protection, the Jew and the Gentile, the Christian and Mahometan, the Hindoo, and infidel of every denomination.<sup>32</sup>

A more complex question of discrimination arises when one asks whether government can support religion generally as opposed to irreligion (or no religion). That is, while state-supported promotion of Christianity was clearly eschewed by Virginia's dissenters and their legislative supporters, can government promote all religion broadly defined? For example, after the Virginia Convention ratified the federal Constitution, much to the consternation of Patrick Henry and his supporters in the General Assembly, Henry led the General Assembly's effort to propose amendments to the Constitution; the proposals included a provision on religious freedom which would have prohibited any governmental action that "favored or established" any particular "sect." One might conclude that the intent was only to prohibit discrimination among religions but to permit

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32 See, e.g., Surry County (October 26, 1785), Cumberland County (October 26, 1785). See Cobb, *Rise of Religious Liberty*, 498. Jefferson, *Autobiography*, 40. Others have argued that this was not a particularly important issue in any case as the preamble to the statute does not, itself, provide actionable rights. Buckley, *Church and State*, 158 n. 45. This view evidences a misunderstanding of the political and legal process through which such legislative language is used to attempt to influence future courts, policy makers and legislators. In fact, some attempt to use the oblique reference to God (as the "holy author") in the preamble as a justification for discrimination in favor of religion.

non-discriminatory aid to all religion, as opposed to irreligion (albeit, based on the assessment debate, one might equally conclude that Henry was referring to Christian sects). Confusing this question further are statements by dissenters which appear to call only for non-discrimination generally. Thus, for example, the “10,000 name” petition sought reform “so every Religious Denomination being on a Level animosities may cease....”<sup>33</sup>

The language of Henry’s proposed amendment might be dismissed as the unsuccessful effort of the losers in both the general assessment and constitutional debates to recapture ground; after all, as Jon Butler notes, Congress rejected proposals that would have limited the reach of the First Amendment to prohibiting promotion of “one Religious Sect or Society in preference to others.”<sup>34</sup> The language of the “10,000 name” petition is more of a concern in understanding dissenters’ perspective. This, though, does not demonstrate that dissenters intended to limit their battle against establishment merely to anti-discrimination; rather, it happened to be the immediate object of their attack at that time. At other times, dissenters’ language was considerably broader. Two days after receipt of the 10,000 name petition, for example, the Augusta freeholders and militia deli-

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33 Davis, *Religion and the Continental Congress*, 16. Miscellaneous Petition (October 16, 1776). With the modern breadth of religions in America, nondiscriminatory aid to all religions may simply be impractical in any case. Malbin, *Religion and Politics*, preface.

34 *Awash*, 266. Compare *Illinois ex rel. McCollum v. Board of Education*, 333 U.S. at 211 (counsel for respondents argues “historically the *First Amendment* was intended to forbid only government preference for one religion over another, not an impartial governmental assistance of all religions”); *Board of Education v. Louis Grumet*, 512 U.S. 687, 732 (1994) (Justices Scalia, Rehnquist and Thomas dissenting) (First Amendment intended only to prevent one sect or group from punishing dissenters, i.e. discrimination); O’Neill, *Catholics in Controversy*, 18 (arguing that historical evidence is dispositive that First Amendment was only to stop “monopolistic government favor given by law to *one religious group*”).



vered a petition that demanded equality “*and* that no religious sect whatever be established in this commonwealth,” recognizing that these were independent and both important requirements. As noted above, a number of petitions expressly demanded equal rights for “pagans” and “infidels.” In 1790, John Leland made it clear that his view of freedom of religion applied equally to atheists. Speaking on the question of test oaths and qualification for office, Leland explained “[i]f a man merits the confidence of his neighbors, in Virginia, let him worship one God, twenty Gods or no God -- be Jew, Turk, Pagan, or infidel, he is eligible to any office in the State.”<sup>35</sup>

Moreover, the logic of the dissenters’ opposition to establishment applies equally to any benefit for any religion. A November 1779 petition, for example, explained that the problem with a general assessment arose because religion was a matter of conscience and it was inappropriate to force anyone to support what he could not, in good conscience, support: “Justice Vanishes.-- Reason looks with Disdain, & Religion looses her Angels Face & looks pale and Sickly as the thought of such unrighteous Distinctions.” The oft-copied “Spirit of the Gospel” petition – versions of which gathered far more signatures in opposition to a general assessment than Madison’s *Memorial and Remonstrance* – warned “to Compel a Man to furnish Contributions of Money for the Propagation of Opinions which he disbelieves and abhors is Sinful & Tyrannical.” These concerns – that religion is poisoned by any governmental support – would apply equally to

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35 Augusta County (October 18, 1776) (emphasis added). Leland, *Virginia Chronicle*, 22. More famously, Jefferson, in his *Notes on the State of Virginia*, states that “it does me no injury for my neighbor to say there are twenty gods, or no God.” Query XVII, 285.

any support for any religion. Presbyterian clergy (after retracting their short-lived and tepid support for a general assessment in 1785) warned against “ancient distinctions among the Citizens on account of religious opinions.”<sup>36</sup> When the issue of establishment was addressed precisely by dissenters, their words and actions went beyond mere non-discrimination among religions.

There is certainly no indication in the battle over general assessment that had the proposal included non-Christian denominations it would have been accepted. In fact, some proponents of a general assessment argued expressly that it should apply to all religions. Richard Henry Lee wrote to Madison that

The declaration of Rights, it seems to me, rather contends against forcing modes of faith and form of worship, than against compelling contribution for the support of religion in general. I fully agree with the presbyterians, that true freedom embraces the Mahomitan [sic] and the Gentoo [sic] as well as the Christian religion. And upon this liberal ground I hope our Assembly will conduct themselves.<sup>37</sup>

This view, though, apparently gained no support.

Moreover, while direct statements concerning atheists or non-religion are limited, the dissenters’ treatment of the issue of separation of church and state generally makes clear their view that government should not intervene in religion, even in a non-discriminatory manner, not simply to maintain the purity of government and protect the

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36 Amherst County (November 1, 1779); Northumberland County (November 25, 1785); Miscellaneous Petition (Presbyterian ministers in convention) (November 2, 1785).

37 Richard Henry Lee to James Madison (November 26, 1784), Rutland and Rachal, eds., *Papers of James Madison*, 9:149-50.

interests of minorities, but to protect the interests of religion. A clear notion of a separation in church and state speaks against even non-discriminatory aid.

The most oft-cited early American authority on issues of separation of church and state is Jefferson's famous 1802 letter to the Danbury Baptist Association in which he emphatically stated: "I contemplate with sovereign reverence the act of the whole American people which declared that their legislature should 'make no law respecting an establishment of religion, or prohibiting the free exercise thereof,' thus building a wall of separation between Church & State." Some latter day scholars have suggested that Jefferson's 1802 letter was revisionist of the views at the time of the Constitution's adoption, with no such strictly separated spheres being contemplated. Thomas Buckley, for example, says that Virginia dissenters while "[w]illing to embrace Jefferson's legislation in terms of the freedom it guaranteed their own activities and the coup de grace it administered to what had once been an overbearing established church, they did not accept its author's philosophy on separation of church and state."<sup>38</sup>

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38 Buckley, *Church and State*, 180. Buckley goes on to cite as evidence instances of early state involvement with religion, for example early Virginia support for Blue Laws. *Ibid.*, 181-82. Such minor exceptions in the face of clearly stated principles are relatively unpersuasive, see, e.g., McConnell, "Origins and Historical Understanding," and must be considered in the full context of the fight for religious liberty and the necessity of untangling a complicated relationship between the established church in Virginia and the state. "Congress, after all, sometimes breaches the limits of the Constitution." Lash, "Power and the Subject of Religion," 1117. "Certainly in the present, legislators sometimes vote for measures that they could be fairly certain would be declared unconstitutional, and that may not even represent their own views about how the Constitution should be interpreted." Greenawalt, "Common Sense about Original," 497. "That Americans during the revolutionary period did not always carry their principles into practice either in Church-State or other matters did not negate those principles." Curry, *First Freedoms*, 221. While one should seek to avoid interpretations that are inconsistent with pervasive or major restrictions, some flexibility in approach is needed. Even Madison recognized that

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Yet, when they spoke specifically to the issue, the dissenters made it clear that full religious liberty required that “no law may pass, to connect the church & state in the future....” The seminal Presbyterian October 1776 petition demanding an end to the establishment, for example, indicated that the Presbyterians viewed any state involvement in religious matters as inconsistent with Christian doctrine. “Neither can it be made [to] appear that the Gospel needs any such civil aid. We rather conceive that when our Blessed Saviour declares his kingdom is not of this world, he renounces all dependence upon State Power....” In the context of the debate over a general assessment to support all Christian sects, the Presbyterians reminded the General Assembly that “neither does the Church of Christ stand in need of a general assessment for its support.” The same notion was joined by a petition from Anglicans, Presbyterians, Baptists and Methodists from Amherst County who noted that they were “Fully Persuaded Gentlemen That the Religion of Jesus Christ may and ought to be committed to the Protection Guidance & Blessing of its Divine Author and needs not the Interposition of any Human Power for its Establishment & Support.”<sup>39</sup>

The effort to establish a clear separation of church and state was made most emphatically by the Virginia Baptists. In 1785, with the prospects of a general assessment

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(footnote continued)

some limited accommodations would be inevitable, e.g. the use of military chaplains, to protect the free exercise of religion where government action (for example, military service) would otherwise undermine it. Davis, *Continental Congress*, 80-82.

39 Powhatan County (Baptists) (November 6, 1783). Miscellaneous Petition (October 24, 1776) (emphasis original). Miscellaneous Petition (June 3, 1777) (emphasis original). Amherst County (November 1, 1779).

appearing high, Baptist dissenters meeting in convention made clear that this was not merely a matter of the church not needing aid, but a matter of the corrupting influence of church and state entanglement. As one dissenter explained, “[t]he State, I say, has always corrupted the Church.” Any public support for the church would make the ministers providers of “public services” and, thus, subject to some level of legislative control.<sup>40</sup> The Baptist minister William Fristoe, also an object of persecution before the war, noted “so when legislatures undertake to pass laws about religion, religion loses [sic] its form, and Christianity is reduced to a system of worldly policy.” If that occurs, legislators “must in reality assume the prerogative of judging who are, and who are not worthy to receive the public benefice. And of consequence, our religious principles, as well as preachers must be subject to their [illegible], and stand, or fall according to their determination.” A petition from Powhatan County during the general assessment debate explained the entanglement problem in part by noting that under an aid program “the Sheriffs, County Courts, and Public Treasury are all to be employed in the management of many laws for the express purpose of Supporting Teachers of the Christian Religion.” Presbyterians made the same point: Even a general assessment threatens ministers with state control and threatens a new establishment of “any Sect they [the legislature] think proper.” The

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40 *Freeman's Remonstrance*, 7. Baptist petition from Convention (December 25, 1776), *Virginia Gazette* (Dixon & Hunter), March 28, 1777.

Baptists had a long history of opposing any civil interference in religious matters. For example, Thomas Helwys, an early seventeenth century Baptist minister, argued for freedom for all, “Let them be heretics, Turks, Jews, or whatsoever, it appertains not to the earthly power to punish them.” Helwys, *Mystery of Iniquity*, 212, quoted in Watts, *Dissenters from the Reformation*, 49. Compare Curry, *First Freedoms*, 89 (Baptists did not develop theological reasons against state support until eighteenth century).

Baptist Elder John Leland explained the matter in his 1790 monograph on the development of religion in Virginia that “if government says I must pay somebody, it must next describe that somebody, his doctrine and place of abode. That moment a minister is so fixed as to receive a stipend by legal force, that moment he ceases to be a gospel ambassador, and becomes a minister of state.” The point was summarized a hundred years later in a Baptist history:

The Strawberry Association [in the eighteenth century] adopted the language which the Dover Association proclaimed. It has the ring of giant right rising from the rack of persecution and oppression. It was the war cry of every Baptist voiced by Lewis Lunsford.... “The unlawful cohabitation between Church and State, which has so often been looked upon as holy wedlock, must now suffer a separation and be put forever asunder.”<sup>41</sup>

Baptists shared the concern, expressed in Section 12 of the *Memorial and Remonstrance*, that any entanglement would not only threaten their independence and be inconsistent with both their religion and their understanding of government’s role, but would

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41 Fristoe, *Concise History*, 85-86. Powhatan County (November 3, 1785). Orange County (Baptists) (November 17, 1785). Miscellaneous Petition (June 3, 1777). Leland, *Virginia Chronicle*, 38. Bitting, *History of Strawberry Baptist*, 22. Madison reported to Monroe that the Presbyterian change of heart on a general assessment may have been due to their “alarm[] at the probability of further interferences of the Legislature, if they once begin to dictate in matters of Religion.” Madison to James Monroe, May 29, 1785, Rutland, Rachal, Ripel and Teute, eds., *Papers of James Madison*, 8:286.

While application of these doctrines to any individual modern case may be complex, it is clear that the fact that dissenters understood provisions on religious freedom to protect religion, and not simply the state, has potentially far-reaching implications. For example, in *Locke v. Davey*, 540 U.S. 712 (2004), the Supreme Court upheld a Washington state law which provided college scholarships to certain students for any study *except* the ministry. In a persuasive dissent, Justice Scalia, joined by Justice Thomas, urged that the majority’s reasoning was weak and based upon a discredited doctrine that the First Amendment should, in the area of religion, be interpreted to minimize civil discord. *See generally* Garnett, “Religion, Division.” Yet, had the majority focused on the question of religion’s interest in being utterly disassociated with government, it might have found some additional support for its decision.

undermine their ability to proselytize effectively. In a 1786 petition relating to the question of incorporation of churches, the Baptists of Buckingham County warned that government simply leaving churches alone “is the only way to convince the gazing world, that Disciples do not follow Christ for Loaves, and that Preachers do not preach for Benefices.”<sup>42</sup>

Nor was this a change in the dissenters’ position from the understanding of religious freedom that was central to the wartime negotiations. For example, when the notion of a general assessment was first raised in 1776, both Presbyterians and Baptists rejected it as entangling church and state. As 1776 wound to a close, Baptists objected that any assessment to benefit religion makes ministers “officers of the State” and gives the state “a right to regulate and dictate to” religion. The Presbytery of Hanover declared that a general state benefit to religion makes ministers servants of the state. “That every Servant is to obey his Master; and, That the hireling is accountable for his Conduct to him from whom he receives his wages....” Importantly, the Presbyterians saw such aid as not only being a bad idea from a religious perspective, but as being beyond the legitimate powers of government, for if government could aid all religions, “then it will follow, That they may revive the old Establishment... or ordain a new one for any Sect they think proper....”<sup>43</sup> Thus, the argument that there was no early understanding of a “wall

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42 Eckenrode, *Separation of Church and State*, 119, quoting Baptist Petition written in August 1786. See Baptist Petition, *JHD*, November 1, 1786, 15.

43 Baptist petition (December 25, 1776), reprinted *Virginia Gazette* (Dixon & Hunter), March 28, 1777. Presbytery of Hanover (June 3, 1777). Compare Buckley, *Church and State*, 176-77 (claiming wrongly that Presbyterians did not advocate separation of church and state until 1785).

of separation” between church and state because “conservative Protestants, as represented by a majority of the Presbyterians in Virginia, conceived of religious liberty as a religious dogma compatible with established religion” is simply incorrect.<sup>44</sup>

One might argue that the dissenters’ objections would not apply to minor aid, as opposed to ministerial support, or to aid for some purpose other than directly assisting a religious purpose, but there is no basis for such a distinction given the nature of the dissenters’ objections. Setting aside the problems of entanglement discussed above, Presbyterian petitions noted, for example, that another problem with any government aid to religion was divorcing the needs of religious organizations from their members. “But by a general tax all will be rendered so independent of the will of the particular societies for their support that all will be infected with the common contagion and we shall be more likely to have the state swarming with fools, sots and gamblers than with a sober sensible and exemplary Clergy.” When speaking of non-discrimination, a petition from Albemarle, Amherst and Buckingham dissenters made clear the centrality of individual support for a denomination’s efforts: “[T]o put every religious Denomination on an equal Footing, *to be supported by themselves*, independent of one another, would not only be a just and reasonable Mode of Government, but would most certainly have an happy influ-

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44 Hood, “Revolution and Religious Liberty,” 171. Davis notes that many still claim that separationism is a modern invention, claiming, incorrectly, that “[f]ew Christians in the revolutionary era” favored total separation. Davis, *Continental Congress*, 13, 31. Hood relies on a series of specious arguments, most notably the short-lived decision of the Presbyterian clergy to support a general establishment in the fall of 1784, ignoring the Presbytery’s 1776 petition and suggesting that the 1785 opposition to the general assessment was itself a new position. The isolated lapse by the Presbyterian clergy in the 1784 petition, discussed in Appendix B: Baptists v. Presbyterians, was the anomaly.



ence upon the members of the several Churches....” Any government aid, then, threatened a resurgence of “priestcraft.”<sup>45</sup>

Similarly, a series of petitions insisted that vestries’ civil obligations – by that time essentially limited to assessing and allocating poor relief – had to be rejected in part for wrongly employing religious officers in the performance of a civil function.<sup>46</sup> Some historians point to the General Assembly’s continued regulation of vestries after the war as evidence that America’s revolutionary leaders did not conceive of a strict separation of church and state. This, though, proves too much. For example, the fact that the General Assembly (and Jefferson) in 1776 supported a bill to permit the Anglican Church to maintain ownership in property then in its possession, even though the property had been obtained through colonial-era assessments, is hardly evidence of a willingness to support future state-church interactions. Rather, Jefferson and his colleagues had to grapple with difficult problems of disentangling the state from church establishment while being fair to those who had loyally supported the established church through their contributions. It seems more reasonable to assume that the state merely had to await a more opportune time to disentangle itself completely from its existing mixed ecclesiastic and civil role. This was achieved shortly after adoption of Jefferson’s Statute.<sup>47</sup>

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45 Rockbridge County (December 12, 1784). Albemarle, Amherst and Buckingham Counties (October 22, 1776) (emphasis added).

46 *E.g.* Southampton County (October 13, 1778), Caroline and King & Queen Counties (May 25, 1779), Hanover County (October 23, 1778). *See also* Petitions from Sandy Creek Baptists (October 16, 1780), Botetourt County (November 4, 1778), James, *Documentary History*, 219-21.

47 The meaning of the Statute for Establishing Religious Freedom and whether Thomas Jefferson intended a strict “wall of separation” between church and state, as Jefferson intended (footnote continued)

Of course, support for a strict separation of church and state was not universal in early America or Virginia.<sup>48</sup> At the time of the inception of the Republic, however, important forces – most notably, the Virginia dissenters who had bargained for religious freedom – were calling for a very strict separation of church and state.<sup>49</sup> At a minimum, modern notions of a strict separation cannot facilely be viewed as revisionist.

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erson urged as president, has been much debated. *See, e.g.,* Peterson and Vaughan, eds., *Virginia Statute for Religious Freedom*. Based in part on arguments concerning vestry regulation, Daniel L. Dreisbach argues that Jefferson's actions as a legislator suggest that he did not support strict separation. "New Perspective on Jefferson's Views," 172-204. Setting aside whether we should give more credence to Jefferson's mature comments as president, Dreisbach's analysis is largely unpersuasive as failing to recognize practical problems of disentangling a previously established church.

48 A number of Anglican petitions opposed a separation of church and state. For example, a petition from Cumberland County (November 6, 1778), noting that dissenters encouraged discord among husbands and wives and met at night with slaves, sought a "well regulated toleration" but a prohibition on meetings at night, an examination of those "worthy" to preach, and a limitation of public houses of worship. Such regulation would ensure "a proper preeminence over every other sect" by the established church which holds "the genuine doctrines of Christianity." *See also* Cumberland County (May 21, 1777). *Compare* Mecklenburg Petition (May 29, 1777).

Buckley, without close analysis of the petitions that play a prominent role in his book, concludes that a general assessment to support religion "reflected the real consensus of Virginians and inspired the moral legislation of the next century." Buckley, *Church and State*, 182, 173. Even if Buckley is correct, and he has certainly not shown that, he misses the point that many citizens, especially the dissenters being appealed to for support of the war effort, understood that religious freedom required a strict separation of church and state and rejection of a general assessment.

49 Foote, *Sketches of Virginia*, 23, noted the lack of consensus:

While abroad the contest was for the defense of civil liberty against the power of the mother country, at home it was raging for an ill-defined liberty of conscience and the disseverance of religion from civil power.... The true principle – the free exercise of religion according to the dictates of conscience – was well expressed in the [Virginia] Bill of Rights, but appears, after all, not to have been well understood by many of the delegates

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Finally, in a smattering of modern cases, some justices have approached establishment questions by suggesting that the First Amendment is to act as a filter to discourage public disputes concerning religion. This would have been an anathema to eighteenth century dissenters. While the goal was certainly not to encourage disputes, they did not see the development of religious freedom as an exercise that would remove religion from the public sphere; far from it. Their experience was being introduced to the public sphere through the vehicle of seeking religious freedom. As Buckley explains in speaking of the evangelical influence among dissenters, “[t]hey were concerned about the future of the church, and wanted it separated from the state precisely so that it might freely influence society and permeate it with the Gospel message.” The cases in which the notion of discouraging public disagreement has surfaced have been sporadic and not very consistent. The dissenters would suggest to us that the notion should be removed from First Amendment jurisprudence altogether.<sup>50</sup>

Free Exercise: Comments by eighteenth century legislators and ministers concerning the need for a “free exercise” of religion or “rights of conscience” are ubiquitous, but understanding fully what was meant by this is far more difficult.

It is relatively clear that dissenters (and other supporters of a free exercise of religion) understood that a legislature could not directly regulate religious worship or a reli-

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to the Assembly. Many seemed to think that an established religion, with toleration, was freedom enough.

50 Buckley, *Church and State*, 180. The episodic application of this doctrine and problems with it are best summarized in Garnett, “Religion, Division.”

gion's ability to administer its internal affairs.<sup>51</sup> Prince William Baptists, in the first of the Baptist petitions which clearly sought freedom of religion (rather than merely toleration), asked “[t]hat we be allowed [sic] to worship God in our own way, without interruption.” A petition from Prince Edward County (a Presbyterian stronghold) insisted that the Assembly must “define accurately between civil and ecclesiastic Authority; then leave our Lord Jesus Christ the Honour of being the sole Lawgiver and Governor of his Church.” Minutes of the Hanover Presbytery refer to a petition from April 1780 which asked the Assembly “to abstain from interfering in the government of the church.”<sup>52</sup>

To dissenters, government simply lacked authority to regulate religion directly. As explained in the Baptist “Spirit of the Gospel” petition “any Majestrait [sic] or Legislative Body that takes upon themselves the power of Governing Religion by human laws assumes a power that never was committed to them by God or can be by Man.”<sup>53</sup> In fact, this concern with government interference with the internal regulation of the church or its modes of worship was instrumental in contributing to the 1786 repeal of the 1784 Virginia statute incorporating the Protestant Episcopal Church; while it was certainly necessary for the legislature to release the Episcopal Church from previous statutory obligations relating to its form of worship, the specific requirements in the incorporation law concerning governance of the church – though drafted by Episcopalians – were viewed as

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51 See *McDaniel v. Paty*, 435 US 618 (1978) (striking statute with primary purpose of regulating religion).

52 Prince William County (June 20, 1776). Prince Edward County (October 11, 1776); Foote, *Sketches of Virginia*, 332.

53 E.g. Rockingham County (November 18, 1784).

utterly inappropriate for a legislative enactment and that law was promptly repealed after adoption of Jefferson's Statute.<sup>54</sup>

For dissenters, as was the case with disestablishment, the necessity of freedom of worship was grounded firmly in theology, not merely political science. The Elder John Leland explained "Every man must give an account of himself to God, and therefore every man ought to be at liberty to serve God in a way that he can best reconcile to his conscience. If government can answer for individuals at the day of judgment, let men be controlled by it in religious matters; otherwise, let men be free." A similar argument was made by the Presbyterian clergy in opposing incorporation: "It is the duty of every man for himself to take care of his immortal interests in a future state, where we are to account for our conduct as individuals; and it is by no means the business of a Legislature to attend to this."<sup>55</sup>

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54 See Eckenrode, *Separation of Church and State*, 119, quoting Baptist Petition written in August 1786 ("If the members of the Protestant Episcopal Church prefer Episcopacy to any other form of Government, they have an undoubted Right as free Citizens of [the] State to enjoy it; But to call in the aid of Legislature to Establish it, threatens the freedom of Religious Liberty in its Consequences."); Baptist Petition, *JHD*, November 1, 1786, 15. William Wirt Henry notes that one result of the dissenters' insistence upon a very strict separation of church and state and limitation of governmental authority was that a seminary could not be incorporated or a religious charity "enforced" in Virginia for 100 years. Henry, *Patrick Henry*, II:210-11.

55 Greene, ed., *Writings of the Late Elder John Leland*, 181. Miscellaneous Petition (November 12, 1784). The depth of this belief as a theological matter can be appreciated if one considers the Baptists' extended battle over child baptism. In the face of establishment arguments that refusal to baptize infants was cruel (and laws mandating child baptism, Hening, ed., *Statutes*, II:165), Baptists insisted that even this level of compulsion was wrong because only a completely free choice could be pleasing to God. See Thom, *Struggle for Religious Freedom*, 19 (495) ("To many the very name of Baptists was terrifying. They were thought to be sacrilegiously cruel in neglecting the baptism of their children, their own flesh and blood; and they were dreaded as monstrous beings.").

Beyond direct regulation of worship or a church polity, the question of free exercise becomes more complex. It was clear in Virginia after adoption of Jefferson's Statute that free exercise meant that the government could not penalize mere religious opinion.

Actions alone could be regulated. Thus, Jefferson's Statute notes

to suffer the civil magistrate to intrude his powers into the field of opinion and to restrain the profession or propagation of principles, on supposition of their ill tendency is a dangerous fallacy which at once destroys all religious liberty...; that it is time enough for the rightful purpose of civil government for its officers to interfere when principles break out into overt acts against peace and good order....<sup>56</sup>

The more difficult question arises, however, when someone claims a right to engage in an activity which is prohibited or actionable under a law of general application, that is, one that is facially neutral to religion: Can free exercise justify an exemption to a generally applicable law? Numerous examples can be contemplated: oath taking, military service, medical procedures, work rules, etc. Unlike the issue of establishment, where discrimination against "irreligion" in favor of "religion" is inconsistent with freedom of religion as

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56 Jefferson did grapple with the question of whether seditious preaching was beyond the pale of protection of free exercise. In a 1776 draft of a proposed Virginia Declaration of Rights, he noted, in parentheses (presumably because he was continuing to contemplate the matter), that free exercise would not include "any seditious preaching or conversation against the authority of the civil government." Boyd, Butterfield, and Bryan, eds., *Papers of Thomas Jefferson*, 1:353. This restriction, apparently briefly contemplated, was omitted from Jefferson's subsequent drafts (and an earlier draft had limited the restriction to "seditious behavior"). *Ibid.*, 1:363, 344. Malbin's conclusion – that Jefferson in "his own two drafts of the Virginia Declaration of Rights" did not intend to protect "seditious preaching" – is a mischaracterization. Malbin, *Religion and Politics*, 35. Jefferson's history with seditious speech is not spotless, in spite of his horror at the 1798 Alien and Sedition Acts, but it is generally agreed that Jefferson's statement in the Statute – only overt acts can be addressed by government and not mere opinions – is the better approach. Certainly this was the view of the dissenters and even some supporters of a general assessment. *Compare* Lunenburg County (November 3, 1779) (supporting general assessment and suggesting a limit on free exercise when dangerous).

understood by the dissenters, here, discrimination is being sought in favor of those who take an action or oppose taking an action for religious reasons. Again, this issue has been much debated in the literature and in recent years the Supreme Court has reversed itself and generally eschewed any such exceptions.<sup>57</sup> The question remains as to whether such

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57 See, e.g., *City of Boerne v. P.F. Flores*, 521 U.S. 507 (1997). One reason for the Court's reversal on this front is that it largely abandoned restricting free exercise protections to religion at all. E.g. *Welsh v. United States*, 398 U.S. 333, 340 (1970); (Justice Harlan concurring) at 345, 356-58, 360 (exempting conscientious objectors from the draft even if not part of a traditional religious belief). See also West, "Case Against," 591, 598-99 (Court's functional definition of "religion" not necessarily based upon a belief in a divinity). Yet, divorcing "religion" from a deity (or deities) or some supernatural power is not only inconsistent with the general understanding of the term (now and in the eighteenth century), compare *Oxford English Dictionary Online* ("3.a. Action or conduct indicating a belief in, reverence for, and desire to please, a divine ruling power"); Johnson, *Dictionary of the English Language*, 2 (1773), 247 ("1. Virtue, as founded upon reverence for God, and expectation of future rewards and punishment..."), but it is inconsistent with the historical foundation of the religious freedom. As dissenters insisted and as Madison stated in the *Memorial*, referring to the Virginia Declaration of Rights:

This duty [we owe to our Creator] is precedent, both in order of time and in degree of obligation, to the claims of Civil Society. Before any man can be considered as a member of Civil Society, he must be considered as a subject of the Governour of the Universe: And if a member of Civil Society,... do it with a saving of his allegiance to the Universal Sovereign. We maintain therefore that in matters of Religion, no man's right is abridged by the institution of Civil Society and that Religion is wholly exempt from its cognizance.

See also *Virginia Gazette* (Purdie), November 8, 1776 (Caleb Wallace arguing that "[i]t appearing then that when men form the social compact each reserves to himself the right of choosing and acting for himself in what relates to religion and conscience,..."). Conflating a person's philosophy or firmly held belief with religion undermines the justification for an exemption for free exercise in the first place. While there may be good reasons to protect a citizen's strongly held belief, such reasons cannot take precedence to laws enacted by representatives under the social compact absent an express reservation and certainly lack the historical antecedents of the First Amendment. E.g. *Thomas v. Review Board*, 450 U.S. 707, 713 (1981) ("Only beliefs rooted in religion are protected by the Free Exercise Clause"). Thus, while "strongly held views" cannot justify an exemption from a validly passed law (properly adopted under the social compact), Virginia's

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an exemption is consistent with the intent of the First Amendment. In addressing this issue, no one has focused adequately on the views of the Virginia dissenters.<sup>58</sup>

Ellis West and Michael Malbin, focusing on Jefferson and other political leaders, argue that such a free exercise exemption from a neutral law is inconsistent with Lockean notions of freedom through law, notions at the core of the founding fathers' fight for liberty. McConnell, recognizing that Locke would not support such an exemption (requiring, instead, a faithful dissenter to accept any non-discriminatory civil penalty that follows from his or her religious exercise), points out that while Jefferson's views on religion and the polity are Lockean, Madison (and, he might have added, the dissenters) approached the issue from an entirely different perspective. Thus, while Jefferson (and Locke) saw the problem of religious freedom largely as a matter of preventing religion from interfering with government, Madison (and the dissenters) had a "far more sympathetic attitude toward religion," and saw the issue as one of government interference with religion. "[T]o Jefferson, unlike Madison, liberty of conscience meant largely freedom from sectarian religion, rather than freedom to practice religion in whatever form one chooses." Of course, this may be unfair to Jefferson, since, as McConnell recognizes,

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dissenters would likely have concluded otherwise for religious exercise (precedent to the social compact). *See also* Oaks, *Religious Freedom and the Supreme Court*, 118-19.

58 McConnell recognizes the particular role of Virginia dissenters and provides several relevant quotes, but does not fully explore their views. McConnell, "Origins and Historical Understanding." *Compare* West, "Case Against;" "Malbin, *Religion and Politics* (focusing only on Jefferson and Madison); Lash, "Power and the Subject of Religion;" Hamburger, "Constitutional Right of Religious Exemption;" Greenawalt, "Common Sense." For the argument that an exemption might be traced to the Privileges and Immunities clause of the Fourteenth Amendment, *see* Amar, *Bill of Rights*, 43-44.



Jefferson's notions of religious liberty were much more robust than Locke's, but, in any case, the dissenters' views were based on an entirely different rationale.<sup>59</sup>

Recognizing that the right to free exercise predates the social compact supports the notion that some exemption from otherwise valid laws might be made for free exercise, but other historical elements also support, and help to define, the notion of a free exercise exemption. In 1776 during the debate over Virginia's new Constitution, Madison first publicly grappled with the question of the scope of the free exercise of religion in response to a provision on religion in George Mason's draft Declaration of Rights which Madison saw as far too narrow. Madison's first proposed amendment to Mason's draft focused primarily on replacing George Mason's call for broad toleration with the notion of religious freedom. That proposal read:

all men are entitled to the full and free exercise of it [religion] accordg to the dictates of Conscience; and therefore that 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, *unless under color of religion, any man disturb the peace, the happiness or safety of society.*

The italicized language in this proposal was from Mason's original draft. When this amendment was rejected (mishandled by Henry, as explained above), Madison suggested an alternative which included a far broader free exercise provision, presumably more consistent with his own belief.

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59 West, "Case Against," 624; Malbin, *Religion and Politics*, 29 *et seq.* McConnell, "Origins and Historical Understanding," 1452, 1453. Justice Scalia, cavalierly, has used McConnell's conclusion that Jefferson could not be the source of an exemption to dismiss Jefferson's views altogether. *City of Boerne v. P.F. Flores*, 521 U.S. at 542 (Justice Scalia concurring) citing McConnell, "Origins and Historical Understanding," 1449-52. McConnell's point is that to Madison and the dissenters "free exercise" is broader than what Jefferson contemplated.

all men are equally entitled to enjoy the free exercise of religion, according to the dictates of conscience, *unpunished and unrestrained by the magistrate, Unless the preservation of equal liberty and the existence of the State are manifestly endangered;*...<sup>60</sup>

Neither limitation on free exercise was included in the final version of Article 16. Isaac concludes that the omission of Mason's "disturb the peace, happiness, or safety of society" was meaningless; "[w]e may be sure that the representatives who consented to omit such a stated exception did so from a sense of its redundancy rather than from any principled disapproval of its intent." This, though, makes little sense, as the subsequent history would make clear.<sup>61</sup>

Jefferson's Statute suggests, though, that any action which is based upon the exercise of religion is protected unless a violation of "peace and good order...."<sup>62</sup> Similar

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60 Hutchinson and Rachal, eds., *Papers of James Madison*, 1:173-75 (emphasis added). Ellis West, in an otherwise largely cogent article arguing against any exceptions under the free exercise clause, effectively mischaracterizes Madison's position by quoting the first part of Madison's proposal but failing to include the emphasized language above. "Case Against," 630. Malbin combined the two proposals by Madison. *Religion and Politics*, 21-22.

61 Isaac, *Transformation*, 280 (fnnt omitted). Isaac's only authority for this proposition is a citation to Jefferson's ruminations about restricting seditious libel which, as noted elsewhere, were merely ideas under contemplation which Jefferson himself rejected. As McConnell points out, Mason's use of the term "happiness" – regulation was appropriate when the exercise of religion interfered with the "happiness" of society – inferred a far broader governmental right to restrict free exercise than the proposal from Madison. This language was only actually adopted by Delaware; most of the other new states restricted governmental action in opposition to free exercise to ensuring "peace" and "safety," as, ultimately, did Virginia. McConnell, "Origins and Historical Understanding," 1463. Presumably the other new states concluded that allowing a government to restrict free exercise based upon the perceived "happiness" of its citizens was to give government too broad of an authority. Rhys Isaac simply concludes that assemblymen must have seen Mason's restriction as redundant. Isaac, *Transformation*, 280.

62 More troubling, the Statute goes on to note that religious opinions shall "in no wise diminish, enlarge, or affect [men's] civil capacities." To the extent that an exemp-

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language was used repeatedly by the dissenters but even more clearly required some affirmative harm if the state was to interfere with free exercise. The Baptist minister Leland explained that "THE principle, that civil rulers have nothing to do with religion, in their official capacities, is as much interwoven in the Baptist plan, as *Phydias's* name was in his shield. The legitimate powers of government, extend only to punish men for working ill to their neighbours, and no ways effect [sic] the rights of conscience." This notion was a long-standing part of Baptist doctrine. William Warren Sweet notes that early Baptist congregations supported liberty of conscience as an article of faith, stating in the early seventeenth century that "the magistrate is not by virtue of his office to meddle with religion or matters of conscience, to force or compel men to this or that form of religion or doctrine, but ... to handle only civil transgressions (Rom. VIII), injuries and wrongs of man against man... for Christ only is the king and lawgiver of the church and conscience (James IV.12)."<sup>63</sup>

Others have misinterpreted the dissenters. Philip Hamburger argues that Leland opposed any exemption from general laws for free exercise because Leland expressly opposed exempting ministers from taxes or military service. This argument is very weak, especially in the face of Leland's clear statements on the limitations on government authority over free exercise. In those instances in which Leland opposed ministerial exemptions, he did

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tion from a law of general applicability "enlarges" a person's civil capacities, it may run afoul of this requirement. One could make an argument that providing an exemption based upon their religious beliefs violates, in essence, equal protection doctrines. Compare Paulsen, "Religion, Equality," 341-45.

63 Leland, *Virginia Chronicle*, 37. Sweet, *Religion in Colonial America*, 122.

so because he opposed providing benefits or indulgences to groups of clergy simply because of their calling, that is he opposed establishment or any entanglement between church and state; there was no argument that paying taxes or serving in the military was a violation of someone's free exercise.<sup>64</sup> More generally, Leland explained that "[s]hould a man refuse to pay his tribute for the support of government, or any wise disturb the peace and good order of the civil police, he should be punished according to his crime, let his religion be what it will; but when a man is a peaceable subject of state, he should be protected in worshipping the Deity according to the dictates of his own conscience."<sup>65</sup> Hamburger also cites a Virginia dissenter for his theory that "disturbing the peace" encompassed any violations of law. Hamburger states "an anonymous Virginian wrote in 1777 of Christian sects that 'quarrel' with one another, 'they ought to be punished, not as professors of religion, but as disorderly members of the Commonwealth.'" Even if one were to accept Hamburger's narrow reading of this admonition, a fuller recitation of that dissenter's views may give a different impression:

Are not the Magistrates of every State armed with the legal sword? Surely then they have sufficient power to suppress any riot, or tumult, or insurrection that may happen among the subjects of every sect or party... But when one [sect] is by law exalted by dominion above the rest, this lays the foundation of envy, and debate, and emulation, and wrath, and discord,

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64 Hamburger, "Constitutional Right," 942 n. 111, citing Greene, ed., *Writings of the Late Elder John Leland*, 188, 228. The other examples used by Leland and relied upon by Hamburger (dunking a wife in a pond or murder based on religious beliefs) involve physical acts of violence which clearly harm another – compromising "peace and good order." Other statements relied upon by Hamburger are, at best, equally ambiguous. See, e.g., Hamburger, "Constitutional Right," 945 n. 113 (Presbyterian petition (April 25, 1777) calls upon civil government to "restrain the vicious...by wholesome laws equally extended to every individual" (emphasis added)).

65 Greene, ed., *Writings of the Late Elder John Leland*, 228.

and confusion; if not of war, bloodshed, and slaughter, in the end: -- Being all indulged alike ... what cause can they have to quarrel with one another? And if any of them do so, they ought to be punished, not as professors of religion, but as disorderly members of the Commonwealth.<sup>66</sup>

This is far from a clear endorsement of Hamburger's restrictive position and, in fact, seems to comport with evangelicals' view that a civil government was restricted to enforcing the "second tablet" (the 5th through 10th commandments), i.e. physical harm to others.

The language – here and in the Statute – requiring a threat to “peace and good order” would seem to limit the government’s ability to penalize acts encompassed within the “free exercise” of religion without some showing of a particular injury arising from the religious exercise in question beyond the mere fact that the acts are covered by a generally applicable law. Yet, many protagonists, most notably Justices Scalia and Stevens, have argued that the eighteenth century notion of disturbing the peace was so broad as to include any illegal act. Under such a narrow reading, the protection of free exercise essentially only prohibits actions targeted at the regulation of religion *per se* and there is no free exercise exemption from a generally applicable law (violation of which would be understood at common law to disturb the “king’s peace”).<sup>67</sup> On its face, this broad read-

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66 Hamburger, “Constitutional Right,” 923. *Freeman’s Remonstrance*, 4-5.

67 *City of Boerne v. P.F. Flores*, 521 U.S. at 540 (Justices Scalia and Stevens concurring), citing Hamburger, “Constitutional Right,” 918-19. It might be argued that some support for this position can be found in one of the early petitions from the Hanover Presbytery:

We would also humbly represent, that the only proper objects of civil Governments, are the happiness and protection of man in the present state of existence; the security of life, liberty, and property of the Citizens; and to restrain the vicious and encourage the virtuous by wholesome laws

(footnote continued)

ing of the early meaning of “disturbing the peace” and “licentiousness” is certainly open to question. For example, in the nineteenth century *A Dictionary of American and English Law*, Stewart Rapalje and Robert L. Lawrence define “breach of peace” as “offenses against public order,” either actual, constructive (e.g. going armed into public or challenging to fight) or apprehended (issuing threats) and “licentiousness” as “doing as one wills, regardless of the rights of others.”<sup>68</sup> That is, disturbing the peace was to take action which harmed others or posed an imminent threat. In any case, as discussed below, the Virginia dissenters could not possibly have intended that government could apply a non-discriminatory law (e.g. for breach of peace) against their free exercise so long as they did no physical harm to others.

As a preliminary matter, the restrictive interpretation now adopted by the Supreme Court is problematic as it calls into question why legislators and dissenters repeatedly included the “disturbing the peace” limitation on a government’s right to act at all.<sup>69</sup>

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(footnote continued)

*equally extending to every individual. But that the duty which we owe our Creator and the manner of discharging it can only be directed by reason and conviction; and is no where cognizable but at the Tribunal of the Universal Judge.*

Miscellaneous Petition (Hanover Presbytery) (October 24, 1776) (first emphasis added). The conclusion of the Presbytery, that the “manner of discharging” our duty to the creator is not cognizable by civil authorities, not to mention their concern with “restrain[ing] the vicious,” raise some doubts concerning this narrow interpretation, however.

68 Rapalje and Lawrence, *Dictionary of American and English Law*, I:149-50, II:757.

69 See, e.g., New York Constitution, Art. 38 (1777) (free exercise does not excuse “acts of licentiousness, or justify practices inconsistent with the peace or safety of this State”); New Hampshire Constitution, Art. V (1784) (“provided he doth not disturb the public peace, or disturb others”); Georgia Constitution, Art. LVI (1777) (“not repugnant  
(footnote continued)

The language used, permitting a limitation on free exercise in certain circumstances relating to peace or safety or injury to others, seems generally to require an action that was affirmatively harmful to society or its members.

More fundamentally, whatever the merits of the linguistic and etymological arguments on the meaning of these clauses and the breadth of free exercise, the history of Virginia's dissenters provides a very clear picture. Numerous preachers had been imprisoned before the Revolution for "breach of peace." "Magistrates began to issue their warrants, and sheriffs had their orders to take up the *disturbers of the peace*."<sup>70</sup> The great Baptist historian Robert Semple complained "[i]t seems by no means certain, that the law in force in Virginia authorized the imprisonment of any person for preaching. The law for the preservation of peace, however, was so interpreted, as to answer this purpose; and, accordingly, whenever the preachers were apprehended, it was done by a peace warrant." Disturbing the peace was one of the charges used by Archibald Cary to imprison preachers in Chesterfield County.<sup>71</sup> Of course, the breach in question was simply public preaching without a license; no allegation was made that any affirmative harm or injury was caused.

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(footnote continued)

to the peace and safety of the State). Nine of the new states restricted free exercise by such limitations of "peace" and "safety." McConnell, "Origins of Free Exercise," 1461. The renowned Massachusetts revolutionary minister Jonathan Mayhew made a similar point defining religious liberty as "that natural right which every man has to worship God as he pleases, provided his principles & practices are [not] prejudicial to others." Jonathan Mayhew's Memorandum Concerning the Stamp Act Riots (August 25, 1765), quoted in Bailyn, "Religion and Revolution," 141.

70 Leland, *Virginia Chronicle*, 22.

71 Semple, *History of the Baptists*, 29. "Prosecution of Baptist Ministers," 415-17.

Dissenters certainly believed that the religious protections bargained for and established during the war would prohibit imprisonment simply for preaching publicly. By mid-1777, perhaps with the arrests and earlier harassment of Presbyterian ministers in mind, the Hanover Presbytery warned that one of the dangers of government intervention in religion was that the government could dictate “who shall preach; what they shall preach; to whom, when, and at what places they shall preach.”<sup>72</sup> It is simply unfathomable that they intended to leave such questions to the broad discretion of sheriffs and magistrates in determining that non-injurious religious gatherings were a “breach of peace” which, in spite of their efforts to demand free exercise, were unprotected.

Of course, this does not suggest that free exercise is an unlimited right. Affirmatively harmful actions can be regulated. The test for such regulation might be anything from a balancing of interest test to a requirement that the government show a compelling interest (something similar to Madison’s “manifest” threat theory).<sup>73</sup> In some cases, determining what the imposition on religion would be of enforcing a generally applicable law and comparing that to the state’s interest in discouraging harmful actions will be dif-

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72 Miscellaneous Petition (June 3, 1777). See also Accomack County (October 28, 1785) (objecting to assessment as leading inevitably to government dictating “who shall preach, when they shall preach, where they shall preach, and what they shall preach”).

73 After embracing such exceptions, seeming to require a showing of a compelling state interest to justify an imposition on free exercise, the Supreme Court has receded, essentially refusing to recognize any religious exception to an otherwise valid law of general application. See *City of Boerne v. P.F. Flores*, 521 U.S. at 513-14; *Employment Division v. Smith*, 494 U.S. 872 (1990). West, “Case Against,” 609 notes that part of the problem with a free exercise exception is forcing the court to determine what is and what is not a religious practice, threatening an entanglement. This difficulty, though, does not excuse the effort. Moreover, there is certainly room between the Court’s initial compelling interest test and no protection.



ficult. To use an eighteenth century example that was clearly under contemplation, the gathering of large groups of slaves was commonly prohibited. Could a minister absolve himself from liability under such a statute by claiming that it interfered with his “free exercise”? Probably not; the state made a rational decision that the gathering of large groups of slaves posed a real danger (while this would seem not to have met Madison’s test). Alternatively, the proposed toleration act of 1772 would have also prohibited the baptizing of a slave without his or her master’s permission. This would have posed a more complicated problem. Presbyterians in 1775 specifically warned that if someone made a profession of faith, it was their “duty to admit him into our Church.” A Baptist preacher made the same point, explaining

we could not reject those who we believed were really turned from Sin to GOD. For when persons give us a satisfactory account of their conversion, declare their agreement with us in judgment, and withal bear an honest report, and have a good character; we esteem ourselves bound in conscience to receive them; having no authority from CHRIST to reject any such little ones who believe in him.<sup>74</sup>

In any case, as noted above, the dissenters’ experience unequivocally suggests that something more than simply engaging in a “breach of peace,” defined as any action that has been declared illegal, is required. Whatever the difficulty, if the voice of Virgin-

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74 *Virginia Gazette* (Rind), March 26, 1772. Miscellaneous Petition (June 5, 1775). See also Thomas, *Virginian Baptist*, 40. One could also argue that the restriction on baptism was a direct regulation of religion prohibited by the free exercise clause, but one could easily craft a regulation to the same effect without mentioning baptism, for example, prohibiting inducting or initiating slaves into any association or organization. The concern with slave meetings was related directly to itinerant preaching. See, e.g., *Virginia Gazette* (Purdie), December 6, 1776 (Anglicans in Charles City County objecting to “meetings in the night of our slaves ... without our consent” led by dissenters). For a discussion of a similar problem presented in South Carolina, see Calhoun, “Evangelical Persuasion,” 176-77

ia's dissenters is to be properly privileged in the development of religious freedom, some exception for the free exercise of religion must be recognized.

\* \* \* \* \*

Some have argued that these positions are inconsistent – that one cannot oppose non-discriminatory aid to religion and support exceptions for “religious exercise,” that is discrimination in favor of those who engage in otherwise illegal action based upon religious beliefs. Virginia’s dissenters did. Of course, not all positions are perfectly consistent, but the apparent inconsistency here evaporates when one considers the issue from the dissenters’ perspective. The issue to the dissenters was not one of preventing all aid to religion in order to neutralize religion. Rather, the issue was one of preventing any entanglement from impairing religion (although dissenters certainly recognized that this approach would also be better for the civil polity). Thus, it is not inconsistent to insist that government not interfere in religion by taking action to aid it affirmatively or by imposing restrictions that interfere with its free exercise.<sup>75</sup>

### Conclusion

The centrality of the Virginia experience to the development of religious freedom in America in general, and the First Amendment specifically, has been long acknowledged. Yet, the significance of that fact has been obscured because of a failure to recog-

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75 Malbin, for example, argues that this is inconsistent. *Religion and Politics*, preface. Compare Greenawalt, “Common Sense,” 488-89: “No one considered the parts of the original Constitution that forbid any religious test for federal officials and permit affirmation rather than oath, measures that protect religious exercise, as an establishment of religion or moving toward an establishment of religion.”

nize fully the nature and critical importance of the negotiations with Virginia's dissenters which brought about religious freedom in Virginia. Even when the role of dissenters was given a passing nod, the significance of the dissenters' contribution and the significance of their voice were not adequately acknowledged.

Once the dissenters' role is properly appreciated, it is necessary to consider more carefully what they thought religious freedom was – what it was they bargained for, and died for. Their understanding of religious freedom was fueled by a deep devotion to religion and an equally deep devotion to the necessity of keeping government from being entangled with religion. This understanding was consistent with almost two hundred years of Baptist learning and theology and the difficult experience of all of Virginia's dissenters with the establishment before the war.

Specifically, dissenters were emphatic that the government should not, indeed could not within its proper sphere, give any special privileges to any sect or to Christianity generally. They clearly rejected proposals to make this a "Christian nation." Of course, they insisted on a disestablishment of religion, but more fundamentally, they insisted on the separation of church and state. In large part, they recognized that involvement with the government or aid from the government would corrupt religion, making it in some way a creature of the state. Any benefit to religion would inevitably make legislators (or officials) judges of religion. Equally, they insisted that government must guarantee a free exercise of religion which would prevent it from regulating religion directly and require that it allow religious activity that did not harm the "peace" or "safety" of the

commonwealth. While the breadth of that limitation was never clearly defined, it certainly included a right to preach publicly without molestation.

Crucially, the dissenters' understanding was defined by a real concern for religion. Contrary to a Lockean or even Jeffersonian concern that government and the civil polity and those expressing minority viewpoints must be protected from the potentially deleterious impact of the use of religion in a public venue – certainly important considerations – the dissenters based their understanding of religious freedom on the need to prevent an entanglement in order to protect religion itself. Viewed in this manner, there is no inconsistency in requiring a strict disestablishment, including a broadly defined separation of church and state, while at the same time insisting that government accommodate religious activity that does no real harm.

Of course, whatever the significance of history to our current understanding of the First Amendment, there are other considerations in constitutional evaluations. Moreover, while Virginia's history must take center stage in understanding the development of religious freedom, the experience of other colonies, new states, constitutional debates and developments in the early republic are certainly relevant. Standing alone, the expectations of Virginia's dissenters cannot answer questions in current constitutional disputes. Yet it is clear that the current literature and decisions have failed adequately to listen to their voice and that they must be heard.

**Table 1****COUNTY RESPONSE TO MOBILIZATION IN 1776**

Counties	1777 Militia	Raised 1776	Percentage
Baptist (15)	12700	894	7.0
Strong Baptist (22)	19444	1346	6.9
Presbyterian (15)	10522	738	7.0
Strong Presbyterian (15)	16896	1100	6.5
Anglican (15)	7884	480	6.1

Source: *Papers of Thomas Jefferson*, vol. 2, pp. 130-32.

Uses 1776 militia "rais[e]d" militia; 1777 size militia (when available)

[ ] in figures, e.g. 90[ ] for Albemarle militia, replaced by 0, i.e. Albemarle 900.

Counties adjusted to reflect 1777 configuration.

Corrects (adds) several figures absent in TJ Papers based on LoC copy.

**Table 2****OVERALL RESPONSE TO REQUISITIONS IN 1780-1781****% response**

Counties	1780 men	1781 men	Supplies	Avg.
Baptist (20)	15.9	20.1	59.5	29.0
Strong Baptist (25)	48.1	29.3	57.8	49.6
Presbyterian (15)	45.6	21.8	54.0	49.9
Strong Presbyterian (20)	31.3	26.4	49.1	36.5
Anglican (14)	38.2	28.1	0.0	31.7

**No Response %**

Counties	1780 men	1781 men	Supplies	Avg.
Baptist	45.0	85.0	73.7	67.9
Strong Baptist	32.0	72.0	36.0	46.7
Presbyterian	6.7	86.7	33.3	42.2
Strong Presbyterian	40.0	70.0	70.0	60.0
Anglican	64.3	85.7	92.9	81.0

Source: See Appendix C.

NR includes ?

"None required" ignored in calculated requisition.

Note: Avg. in first table is average of all county entries, so category weight not equal.

Table 3

## COUNTY RESPONSE TO REQUISITIONS OF TROOPS/SUPPLIES

	B	BB	P	PP	Oth	1780 Recruits	1781, 6 month	material avg	AVG
Accomack						32.4	NR	NR	32.4
Albemarle		X		X		76.8	26.3	4.3	35.8
Amelia	X		X			1.4	17.6	39.2	19.4
Amherst	X			X		41.8	NR	NR	41.8
Augusta				X		7.5	?	NR	7.5
Bedford		X		X		12.8	?	90.4	51.6
Berkeley	X					54.4	NR	NR	54.4
Botetourt				X		2.0	1.5	NR	1.8
Brunswick	X					0.0	NR	NR	0.0
Buckingham		X	X			NR	?	NR	NR
Caroline		X		X		10.2	NR	60.5	35.4
Charles City	X					NR	NR	NR	NR
Charlotte	X		X			0.0	NR	100.0	50.0
Chesterfield	X		X			5.8	NR	10.5	8.2
Culpeper		X	X			75.5	?	90.3	82.9
Cumberland				X		10.0	?	48.4	29.2
Dinwiddie		X	X			0.0	25.9	NR	13.0
Elizabeth City					X	0.0	NR	NR	0.0
Essex		X	X			64.1	NR	30.8	47.5
Fairfax		X				49.0	?	38.6	43.8
Fauquier		X				68.1	50.0	95.7	71.3
Fluvanna		X		X		61.1	NR	NR	61.1
Frederick	X					49.3	?	NR	49.3
Gloucester					X	NR	?	NR	NR
Goochland		X		X		97.0	?	22.9	59.9
Greenbrier	X			X		NR	?	NR	NR
Greensville	X						NR		NR
Halifax		X		X		NR	12.5	67.8	40.1
Hampshire			X			49.2	?	NR	49.2
Hanover	X			X		1.6	41.2	NR	21.4
Henrico			X			89.5	?	NR	89.5
Henry		X		X		4.1	10.0	NR	7.1
Isle of Wight	X					NR	NR	NR	NR
James City	X					NR	NR	NR	NR
King & Queen		X				54.3	NR	79.7	67.0
King George					X	69.0	NR	NR	69.0
King William	X					NR	NR	NR	NR
Lancaster			X			64.3	NR		64.3
Loudon		X				43.6	NR	46.5	45.0
Louisa	X			X		51.2	NR	NR	51.2
Lunenburg		X				NR	NR	NR	NR
Mecklenburg		X				NR	?	NR	NR
Middlesex					X	50.0	NR	0.0	25.0
Monongalia	X					NR	NR	none requ.	NR
Montgomery	X			X		NR	?	NR	NR
Nansemond					X	NR	NR	NR	NR
New Kent				X		NR	NR	NR	NR

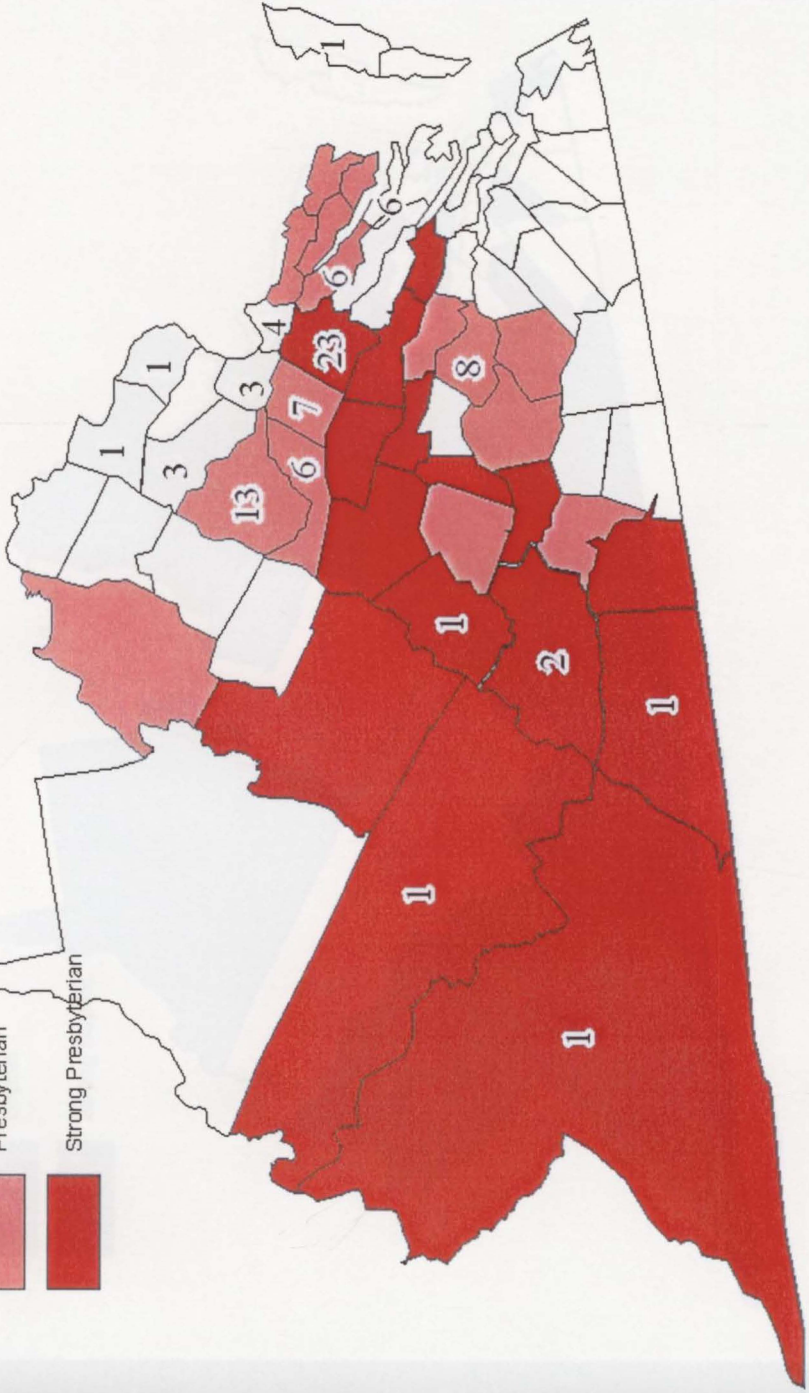
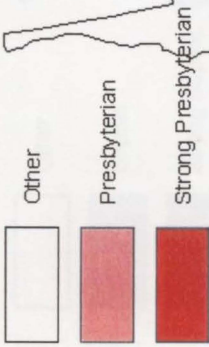
	B	BB	P	PP	Oth	1780 Recruits	1781, 6 month	material avg	AVG
Norfolk					X	NR	NR	NR	NR
Northampton					X	NR	NR	NR	NR
Northumberland			X			51.2	NR	79.7	65.5
Orange		X	X			62.2	NR	48.8	55.5
Pittsylvania		X		X		NR	?	NR	NR
Powhatan		X				NR	?	62.6	62.6
Prince Edward		X		X		NR	66.7	NR	66.7
Prince George					X	NR	NR	NR	NR
Prince William					X	39.6	NR	NR	39.6
Princess Anne	X					NR	NR	NR	NR
Richmond			X			56.2	NR	NR	56.2
Rockbridge				X		NR	?	NR	NR
Rockingham	X					6.1	?	88.4	47.3
Shenandoah		X				33.3	NR	88.9	61.1
Southampton					X	NR	36.1	NR	36.1
Spotsylvania		X	X			61.9	?	6.7	34.3
Stafford		X				44.4	13.9	90.5	49.6
Surry					X	NR	20.0	NR	20.0
Sussex		X				NR	NR	NR	NR
Warwick					X	NR	NR	NR	NR
Washington	X			X		NR	NR	NR	NR
Westmoreland			X			56.7	NR	70.0	63.4
York					X	NR	NR	NR	NR
Average						39.2	26.8	56.7	48.3

1780 Requisition: includes all delivered, including drafted, for duration, 3 years

Source: See Appendix C.

# Presbyterian Presence

Arrests by county: 1768-1778

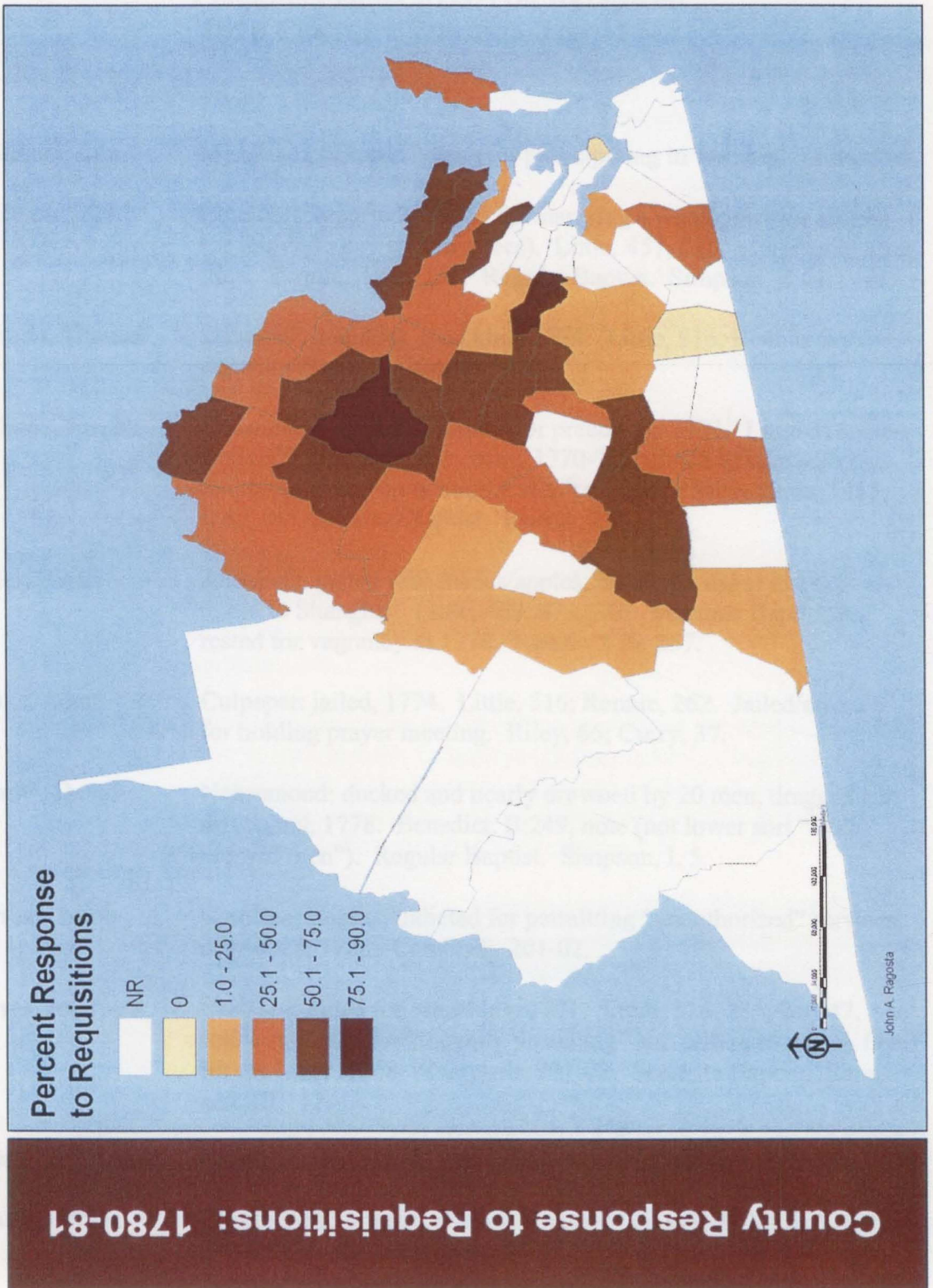


Virginia Presbyterian Presence 1776  
(by counties)

John A. Ragosta







Appendix A:  
**PERSONS PERSECUTED FOR RELIGION:  
 18TH CENTURY VIRGINIA, POST-1763**

Afferman, John	Middlesex County: beaten for participating in worship. Little, 516.
Alderson, John	Botetourt: reportedly jailed for marrying a couple outside church (or failing to pay parson's fees). Little, 457, 516. Apparently 75 at time. Rennie, App1:257. Regular Baptist. Simpson, II:61.
Ammon, Thomas	Culpeper: jailed for preaching, 1774. Little, 516; Rennie, 262. Separate Baptist. Simpson II:61.
Anthony, Joseph	Chesterfield: jailed 3 months for preaching, 1771. Little 516; Gewehr 127. Chesterfield: Jailed 1770-71, offered to take oath but court says doing so in county won't suffice. "Prosecution," 416; Lutz, 98. Separate Baptist. Rennie, 257.
Baker, Elijah	Accomac: pelted with stones/apples; jailed (56 days) in 1778: attempt to Shanghai. Little, 469, 473, 516. Separate Baptist; arrested for vagrancy in 1778. Rennie, 175, 257.
Banks, Adam	Culpeper: jailed, 1774. Little, 516; Rennie, 262. Jailed/arrested for holding prayer meeting. Riley, 66; Curry, 37.
Barrow, David	Nansemond: ducked and nearly drowned by 20 men, dragged and driven out, 1778. Benedict, II:249, note (not lower sort "well-dressed men"). Regular Baptist. Simpson, I, 5.
Burruss, Jacob	Caroline: Baptist, indicted for permitting "unauthorized" services, dismissed, 1768. Campbell, 201-02.
Burrus, John	Caroline: jailed for preaching, 1771. Little, 516, 235, 246-47. Caroline: indicted for "illegally preaching" and failure to attend, fined for the latter, 1768. Campbell, 201-02. Separate Baptist. Simpson, III:112.
Chambers, Thomas	Orange: jailed, 1768. Little, 516; Rennie, 262.
Chastain, Rane	Chesterfield: ordered to leave county or go to jail. Little, 516. Separate Baptist. Simpson, I:6.

- Chewning (Choning), Caroline: preaching/teaching contrary to law, sentenced to jail or bond for good behavior, jailed, 1771. Campbell, 212-13, 436. Caroline: jailed. Little, 516, 235; Rennie, 262. Baptist exhorter "soon turned out" of jail. Semple, 102.
- Chewning, Betty Caroline: Baptist, refused summons to testify at Waller trial, fined 350 lbs. tobacco, 1772. Campbell, 222.
- Chiles (Childs), James Spotsylvania: jailed for preaching, 1768. Little 516, 93, 106-07, 203. (Patrick Henry reportedly argued case and obtained release, although Little thinks unlikely.) Separate Baptist. Rennie.
- Clay, Eleazer Chesterfield: man sought to whip, failed. Little, 516. Separate Baptist. Simpson, I:7. Member gentry. Rennie, 257.
- Clay, John Father Henry Clay; jailed for preaching. Little 516, 218-19 (citing G.S. Bailey, *Trials and Victories of Religious Liberty in America* (1876)); Lutz, 99. Separate Baptist. Simpson, I:8. Jailed 1770, member gentry. Rennie, 258.
- Corbley, John Culpeper: taken from pulpit, dragged and beat, jailed for preaching; Orange: jailed for preaching. Little, 516, 137-38. Regular Baptist. Simpson I:9. Culpeper: jailed 1769; Orange: jailed 1768. Rennie, 258.
- Craig, Elijah Culpeper: jailed for preaching twice, claimed put on rye bread and water (one month); Orange: jailed for preaching for 17-18 days, 1768. Little, 131. Edwards claims moved to inner cell to stop preaching. Little, 135, 516. Culpeper and Orange: jailed. Benedict, II:292. Separate Baptist. Simpson, I:11.
- Craig, Joseph Spotsylvania: apprehended but escaped, 1768. Little, 516, 127; Rennie, 263. Persecuted Culpeper and Orange. Simpson, III:117, citing *A Sketch of the Journal of the Reverend Joseph Craig*. Craig claims he was taken 4 times, jailed once in Caroline County. *A Sketch of the Journal of the Reverend Joseph Craig*. Separate Baptist. Simpson, III:117.
- Craig, Lewis Spotsylvania: indicted and tried but not imprisoned (1766-67?); jailed for preaching (4 weeks) (1768); Caroline: arrested and required to bond; jailed for preaching (3 months), with Pendleton on bench, 1771. Little 516, 53 *et seq.*, 235, 249. Caroline: arrested/jailed for preaching contrary to license, sentenced to jail or

- bond, jailed, 1771. Campbell, 213-14. Separate Baptist. Simpson, I:13; Edwards, 78.
- Daniel, Samuel      Caroline: Baptist, refused summons to testify at Waller trial, fined 350 lbs. tobacco, 1772. Campbell, 222.
- Delaney (Dulaney), John      Culpeper: jailed for permitting another to preach, but not Baptist. Little, 421, 516. Separate Baptist. Rennie, 263.
- Eastin, Augustine      Chesterfield: jailed for preaching, 1772; Cary on bench. Little, 516, 145, 312. Chesterfield: warrant for arrest, June 1772. Gewehr, 124n38. Chesterfield: arrested 1772, by now Cary had erected a wall around prison to discourage preaching. Lutz, 98; Edwards, 82. Chesterfield: jailed 1771. Rennie, 263. Separate Baptist. Simpson, II:70.
- Elkins, Richard      Pittsylvania: two men started for warrant, frightened. Little, 516. Pittsylvania: apprehended in 1769. Rennie, 263.
- Falkner (Faulkner), Richard      Middlesex: arrested but released as layman, 1771. Little, 516, 273.
- Fristoe, Daniel      Fauquier: service interrupted by curses and antics; Stafford: warrant issued but not executed; gun presented to his breast. Little 517. Regular Baptist. Simpson, I:16.
- Fristoe, William      Stafford: pursued by sheriff w/ gun; taken by warrant, went to Philadelphia. Little 517, 227, quoting Edwards, 33. Mobs caused bloodshed, but courts would not intervene. Rennie, 273, App.4, citing Fristoe, 77-78. Regular Baptist. Simpson, II:76.
- Gale, Mathew      Caroline: Baptist, in custody for failure to disperse on constable's order (at service), fined 5 £, 1772. Campbell, 222.
- Goodloe, Henry      Caroline: arrested/jailed for permitting unauthorized revival (Waller) at house, 1772. Later declared insane. Campbell, 222, 437. Separate Baptist. Simpson, III:119.
- Goodrich, James      Caroline: jailed for preaching, 1771. Little, 516, 235; Campbell, 212-13, 436.
- Greenwood, James      King and Queen: jailed for preaching (16 days released on bond) 1772; Middlesex: jailed for preaching (46 days, 30 days w/out bounds); Richmond: threatened 1776. Little 517, 288, 315, 460.

Middlesex: jailed, 1771. Rennie, 258. Bread and water for 4 days in Middlesex. Thom, 24 (500). Separate Baptist. Simpson, III:120.

- Hargate, Thomas Amherst: jailed for preaching 1771. Little 517, 303-05; Edwards, 67.
- Harriss, Samuel Pittsylvania: opposed and slandered; Culpeper: "you shall not preach here," meeting broken up by mob (1765); door battered down during preaching; arrested as vagabond and schismatic (dismissed when said not likely to be back in county for year – preached anyway); Orange: pulled down and dragged by hair; Loudon: locked up in jail. Little 517, 46, 48. Culpeper: arrested, 1765. Edwards, 58; Rennie, 258. Orange: pulled down by Benjamin Haley. Knocked down while preaching at Hawriver. In Hillsborough, went to preach to prisoners and locked-up. Edwards, 59; Benedict, II:335-37. No record of Harriss abused in his own county (as he was gentry). Gewehr, 119-20. Separate Baptist. Simpson, I:19.
- Herndon (Hearndon, Harndon), Edward Caroline: jailed for preaching without a license, 1771. Little 517, 235; Campbell, 212-13, 436. Baptist exhorter, "soon turned out" of jail. Semple, 102.
- Holloway, Nathaniel Caroline: Baptist, arrested for preaching w/out license, served jail sentence, 1772. Campbell, 220, 284.
- Ireland, James Culpeper: seized by magistrates, jailed for preaching (5 months), 1769-70, tried to suffocate w/ smoke, tried to blow-up, tried to poison (injured for life), drunks put in cell, threatened w/ public whipping, horses ridden through crowd at jail, urinated in his face, charged for people to visit, threatened w/ locking in darkness. Little 517-18, 156, 161 *et seq.*, 176-77, citing Ireland, 140-42. *See also* Semple and Fristoe. Separate Baptist. Simpson, I:22. Later Regular Baptist. Benedict, II:33.
- Kaufman, Martin Shenandoah: beaten w/ stick. Little 518, 222.
- Kelly, Thomas Caroline: Baptist, in custody for failure to disperse on constable's order (at service), fined 5£, 1772. Campbell, 222.
- Koontz, John Shenandoah: beaten w/ stick. Elsewhere beaten on road, arrested and then released. Little 518, 220-21. Beaten w/ sticks, dragged

by hair. Thom, 17 (p.493) (citing Semple, Fristoe). Separate Baptist. Simpson, I:24, Rennie, 259.

- Lane, Dutton Lunenberg: told "not to come there again;" Pittsylvania: persecution, mother beaten by father for going to hear. Little, 518. Lane pursued by father. Edwards, 54; Benedict, II:340.
- Leland, John Orange: threatened w/ gun. Little, 518. Captain Robert Howard threatened to lash for baptizing his wife. Rennie, 168, citing Greene, *Writings of John Leland*, 21. Another women said her husband would beat her and kill the man to baptize her; he proceeded. Rennie, 168, citing Greene, 20. Separate Baptist. Rennie, 259.
- Lewis, Iverson Gloucester: violent opposition; Essex: arrested but not jailed, 1774. Little, 518, Rennie, 259. King & Queen: jailed, March 1774. Thom, 26 (502). Essex: jailed, 1774. Curry, 38. Separate Baptist. Simpson, I:27.
- Lovall (Lovel), William King and Queen: jailed for preaching (16 days, released on bond), 1772. Little 518, 314. Separate Baptist. Rennie, 259.
- Lunsford, Lewis Northumberland: interrupted by mob (pistols/staves) and legal proscriptioin, 1778; Richmond: summoned and required to bond, Landon Carter and Robert W. Carter on court, September 1775; stones thrown at house. Little, 450-52, 465, 518; *see also* James Barnett Taylor, *Lives of Virginia Baptist Ministers* (Richmond, 1838), cited in Rennie. Benedict, II:342. Was restrained from preaching for 12 months by securities. Little, 451 quoting Richard Dozier. Regular Baptist. Simpson, II:81.
- McClanahan, William Culpeper: jailed for preaching, John Slaughter on warrant, 1773 (apparently). Little, 369-73, 518; Rennie, 259. Captain Culpeper Minutemen, mostly Baptist. Little, 373-74 quoting Henry Howe, *Historical Collections* at 238. Separate Baptist. Simpson, I:28.
- Mackie, Samuel, Jr. Caroline: Presbyterian, bond or jail (jailed) for hurting a drunk Thomas Reynolds who entered house to break-up service, 1773. Campbell, 225.
- Mackie, Samuel, Sr. Caroline: Presbyterian, bond or jail (jailed) for hurting a drunk Thomas Reynolds who entered his house to break-up service, 1773. Campbell, 225.

- Major, Richard      Fairfax: warrants issued but not executed; Fauquier: mob, warrants issued, men intended to kill. Little 518, 90. Loudon: met w/ "much opposition." Gewehr, 115 n41. Regular Baptist. Rennie, 259; Edwards, 36.
- Marsh, William      Spotsylvania: jailed for preaching, 1768 (43 days). Little 518, 95, 106-07 (Henry supposedly argued case and got released; Little thinks unlikely).
- Marshall, Daniel      Pittsylvania: "much persecution." Little, 518. Fauquier: arrested; Regular Baptist. Rennie, 260.
- Marshall, William      Fauquier: arrested but not jailed. Little, 518.
- Mastin, Thomas      Orange: presented to grand jury, 1769. Little, 518; Rennie, 263.
- Maxwell (Maxfield),  
Thomas      Culpeper: jailed for preaching, 1774. Little 518; Rennie, 263. Jailed for holding a prayer meeting. Riley, 66; Curry, 37. Semple, 146. Separate Baptist. Simpson, II:84.
- Mintz, Edward      Nansemond: ducked and driven out, 1778. Little, 518, 462 quoting Benedict, II:249. Separate Baptist, later Regular. Simpson, I:31.
- Moffett, Anderson      Culpeper: jailed for preaching. Little, 518. Separate Baptist. Rennie, 260.
- Moore, Jeremiah      Assaulted by mob led by magistrates. Little 391. Ducked in mockery of baptism, 1773. Rennie, 50 citing Semple, 400. Taylor, *Virginia*, I:220 says friend ducked, he escaped. Fairfax: apprehended and brought before magistrate; jailed (perhaps 3 times), 1773. Little, 519, 329. Taylor, *Virginia*, I:219. Bedford: arrested, magistrate accompanied by parson, 1773. Rennie, 162, citing Semple, 406. Regular Baptist. Rennie, 260.
- Morton, Elijah      Orange: ousted as justice (1768) because Baptist. Little, 519, 92-93.
- Murphy, Joseph      Brought before magistrate, not imprisoned. Little, 519, 37 (*see also* Taylor, *Virginia*, 1:26). Separate Baptist. Rennie, 260.
- Noel, Elder      Essex: Seized for baptizing a man's sister, the man tried (unsuccessfully) to duck him. Semple, 107.



- Partlow, John            Caroline: Baptist, arrested for permitting preaching w/out a license at home, jailed, 1772. Campbell, 220, 437.
- Picket (Pickett), John    Fauquier: opposition from mob and magistrate; jailed for preaching (3 months), 1770; Culpeper: jailed for preaching. Little 519, 192 (quoting Edwards). Culpeper: taunted and mocked by parson, Mr. Meldrum. Rennie, 161, citing Ireland, 130.
- Pitman, Hipkins            Caroline: arrested and threatened w/ whipping, 1775. Little 519, Campbell, 223, quoting Semple.
- Pittman, James            Caroline: allowed unauthorized service at home, bond after 16 days in jail, 1772. Campbell, 437. Caroline: jailed for preaching (16 days), 1772. Little 519, 321. Caroline: jailed 1771. Rennie, 264.
- Pittman, Thomas            Caroline: allowed unauthorized service at his house, dismissed, 1771. Campbell, 436.
- Pitts, Younger            Caroline: arrested, abused, released. Little 519. Caroline: arrested, 1775; Separate Baptist. Rennie, 260.
- Potter, Benjamin, Sr.    Imprisoned and whipped. Regular. Hurt, 101.
- Reed (Read), James      Dragged from stage, kicked, cuffed; Spotsylvania: jailed for preaching (43 days), 1768. Little, 519, 95, 106-07 (Henry supposedly argued case and obtained release; Little thinks highly unlikely). Separate Baptist. Rennie, 260.
- Roberts, Archibald      Chesterfield: apprehended, 1774. Rennie, 264.
- Ross, Andrew              Caroline: Baptist, in custody for failure to disperse on constable's order (at service), fined 5£, 1772. Campbell, 222.
- Saunders, Nathaniel      Culpeper: summoned for preaching, John Slaughter on warrant; jailed for preaching, 1773. Little, 320, 369-72. Culpeper or Orange: tried and acquitted. Little 519. Threatened prosecution if preached, 1775. Little, 376. Regular Baptist. Simpson, I:35. Separate Baptist. Rennie, 261.
- Shackelford, John        Essex: jailed for preaching (8 days), 1774. Little 519, 400. King & Queen: jailed, March 1774. James, 30 (James later says Essex. 215). Separate Baptist. Rennie, 261.

- Spencer, Joseph Orange: Baptist jailed for preaching (apparently over a month), 1773. Little 519, 381.
- Spiller, Philip Stafford: jailed until court day for preaching. Little, 519, 70-71. Stafford: imprisoned, 1766. Rennie, 264. Regular Baptist. Rennie, 264.
- Street, Henry Middlesex: whipped, companions prevented more, 1771. Little, 519, 276.
- Tanner, John Chesterfield: Baptist jailed for preaching (Cary issued warrant), 1773, gave bond. Little, 219. Chesterfield: arrested on warrant issued by Cary for disturbing peace, not long in jail. "Prosecution," 416; Lutz, 99.
- Taylor, John Hampshire: "rage of mobs." Little 519, 307. Mob w/ weapons broke up meeting. Gewehr, 120, citing Taylor, *Lives*, I:233. Mob beat man (son-in-law of owner) who permitted meeting. Taylor, *Baptists*, 149. Separate Baptist. Rennie, 261.
- Thomas, David Stafford: violent opposition prevents worship; men armed w/ bludgeons; Culpeper or Orange: dragged out, attempt made to shoot (riot); Fauquier: pulled down and dragged out; Culpeper: opposition such that couldn't preach, 1763. Little 519, 41, 178. *See also* Edwards, 26. Snake thrown in congregation. Gewehr, 115 n.41 citing Taylor, *Lives*, I:44 and Semple 382-83 and Edwards. Dragged out of doors, another time shot at (someone knocked gun to save). Benedict, II:30-31. Regular Baptist. Little, 375; Rennie, 261.
- Thompson, David Attacked while preaching. Separate Baptist. Rennie, 261.
- Tinsley, David Chesterfield: jailed for preaching (4 months and 16 or 17 days), 1774. Little 520, 309; Lutz, 99. "This was in the depth of winter.... The suffocating effects of burning tobacco and red pepper were applied to the door and window of his cell." Taylor, *Virginia*, II:101. Separate Baptist. Rennie, 261. Semple, 286.
- Tinsley, Philip Caroline: indicted for permitting "unauthorized" services, dismissed, 1768. Campbell, 201-02.
- Tribble, Andrew Orange: presented for preaching. Little, 520. Separate Baptist. Simpson, I:38.

- Waford, Thomas Middlesex: beaten w/ whip (scarred back to death), seized but released as layman w/ warning to escape county on "pain of imprisonment," 1771. Little, 181, 273, 276, 300. Riley 63 (Wofford). Essex: arrested, searched, released, 1774. Little, 520; Rennie, 264. Middlesex: imprisoned, 1771. Rennie, 264 (Wafer).
- Walker, Jeremiah James City: opposed by parson and others; Chesterfield: jailed for preaching, denied prison bounds (Cary on Court), 1773; Lunenburg: sued for baptizing two boys, 1769. Little, 520, 148, 361. Chesterfield: jailed for preaching (Cary on warrant), 1773; denied prison bounds. "Prosecution," 416; Lutz, 99. Sued for baptizing two of Lester's sons (supposedly underage); Lester dismissed but left costs on Walker. Edwards, 70. Separate Baptist. Simpson, I:39.
- Waller, John Hanover: dragged by hair; Caroline: jerked from stage, head beat on ground, whipped by sheriff about 20 lashes, 1771, jailed for preaching (10 days), Pendleton on bench, 1772. Little, 181, 229-30, 324-25, citing John Williams' Journal (Henry may have defended). Essex: jailed for preaching (14 days), 1774; Spotsylvania: jailed for preaching (43 days), 1768 (Henry supposedly argued case and got released, Little thinks unlikely, Little, 106-07); Middlesex: jailed for preaching (46 days, 30 of which in close confinement). Little 520, 93, 181, 288. Caroline: whipped by church clerk (Buckner) in presence of minister (Morton) and man identified as William Harris, sheriff, spring 1771; arrested/jailed unauthorized revival, 1772. Campbell, 220 ("Swearing Jack" Waller was high gentry), 224-25, citing Little at 229-31, William's Journal; Edwards, 75 ("gore [sic] blood"); Rennie, 161-62. Middlesex: fed bread and water for 4 days in jail. Thom, 24 (p. 500). Middlesex: jailed, parson accompany officials during arrest, 1771. Rennie, 161, 261. King & Queen: jailed, March 1774. Thom, 26n38, citing James, 30 (James later says Essex. 215). Middlesex: stone thrown at Waller while preaching. Benedict, II:48. Separate Baptist. Little, 375; Simpson, I:41.
- Ware, James Caroline: jailed for preaching (16 days), 1772. Little, 520, 321. Semple, 102 says jailed for permitting preaching (like Pittman). Campbell, 220-21 (refers to "John" Ware arrested for preaching w/out a license, presumably the same).
- Ware, Robert Essex: Baptist jailed for preaching (8 days), 1774; Middlesex: jailed for preaching (46 days, 30 days w/out bounds); men drinking and playing cards on stage where he preached. Little 520; 288,

400-01, 404. Middlesex: jailed, 1771. Rennie, 261. Middlesex: bread and water for 4 days. Thom at 24 (p. 500).

- Weatherford, John      Chesterfield: jailed for preaching (5 months) (Cary on bench), denied bounds of prison, hands slashed while extended beyond grated window while preaching, 1773. Little 334, 344, 520; Lutz, 99. Henry defended and gained release (paid imprisonment costs). Little 345-46. Separate Baptist. Simpson, I:43.
- Webber, William      Middlesex: jailed for preaching (46 days, 30 days w/out bounds); Chesterfield: jailed (3 months). Little 520, 269, 288. Chesterfield: jailed, 1770-71; offered to take oath but court says doing so in county won't suffice. "Prosecution," 416; Lutz, 98. Middlesex: jailed, 1771. Benedict, II:400; Rennie, 263. Middlesex: bread and water for 4 days. Thom, 24 (p. 500); Riley, 64 (fed by supporters). Middlesex: minister came at him w/ club (grabbed from behind). Riley, 63. Separate Baptist. Simpson, I:44.
- Weeks, Alderson  
(Anderson)      Stafford: arrested, but not jailed. Little, 520, 71. Regular Baptist. Rennie, 264. Edwards, 28.
- Wyley (Wiley,  
Willey), Allen      Orange: jailed for preaching ("for some time"), 1768. Little 520; Rennie, 264. Edwards 32. Regular Baptist. Simpson, I:45. Separate Baptist. Rennie, 264.
- Young, John      Caroline: jailed for preaching (4-6 months), 1771; pepper burned when he tried to preach; signed petition against general assessment bill. Little 520, 235-38. Caroline: preaching contrary to law, sentenced to jail or bond for good behavior, 1771; unauthorized preaching, case continued pending appeal earlier, 1772; Pendleton on court that convicted. Campbell, 212, 236, 437. Separate Baptist. Simpson, I:47.
- "Three Old Men"      Fauquier: arrested; parson acting as magistrate. Rennie, 264, 162n5, citing Fristoe, 80.
- Chappawomsick, Stafford: Regular Baptist. Violent opposition by gang led by Robert Ashby (about 40): harassed during worship, leading to a "bloody fray;" threw "live snake... into the midst of them while at worship;" hornets nest; brought guns to disperse. Edwards, 29; Benedict, II:31. Cursing and swearing while performing baptisms. Edwards, 30, quoting Fristoe.

Carter's Run Meeting house broken into and perpetrators "doing the most slovenly things," pulpit and communion table broken up. Edwards, 90.

Attending or Failing to Attend

Beazley, Edmond	Caroline: attending unauthorized service, dismissed, 1771. Campbell, 436.
Beazley, Elizabeth	Caroline: attending unauthorized service, dismissed, 1771. Campbell, 436.
Bennett, James	Middlesex: presented by grand jury for nonattendance, 1771, fined; presented 1772, 1773. Little, 266-67, 291.
Bennett, John	Middlesex: presented by grand jury for nonattendance, 1772. Little, 291.
Bennett, Thomas	Middlesex: presented by grand jury for nonattendance, 1772. Little, 291.
Blades, William	Caroline: indicted attending unauthorized, dismissed, 1768. Campbell, 201-02.
Bowie, James, Jr.	Caroline: failure to attend, fined, 1768. Campbell, 201-02.
Bowie, John	Caroline: failure to attend, fined, 1768. Campbell, 201-02.
Brown, John	Caroline: failure to attend, 1768-70. Campbell, 207.
Burk, Thomas	Caroline: indicted attending unauthorized, dismissed, 1768. Campbell, 201-02.
Carden, John	Caroline: failure to attend, fined, 1768. Campbell, 201-02.
Chandler, Robert	Caroline: indictment attending unauthorized, dismissed, 1768. Campbell, 201-02.
Chewning, Charles	Caroline: attending unauthorized service, dismissed, 1771. Campbell, 436.

- Collins, Thomas, Jr. Caroline: attending unauthorized service, dismissed, 1771. Campbell, 436.
- Corbin, Gawin Middlesex: presented by grand jury for absenting from church, 1771. Little, 266.
- Craig, Joseph Orange: Baptist presented for missing church, took oath and excused. Little, 516, 92.
- Deagle, James Middlesex: presented by grand jury for nonattendance 1773. Little, 291.
- Deagle, William Middlesex: presented by grand jury for nonattendance, 1771, 1772, 1773 (w/ wife). Little, 266, 291.
- Drummel, Judith Middlesex: presented by grand jury for nonattendance 1773. Little, 291.
- Earlington, William Caroline: failure to attend, fined, 1768. Campbell, 201-02.
- Fleming, Francis Caroline: failure attend, fined, 1768; failure to attend 1768-70. Campbell, 201-02, 206.
- Gatewood, James Caroline: indictment attending unauthorized, dismissed, 1768. Campbell, 201-02.
- George, Lodowick Caroline: failure to attend, fined, 1768. Campbell, 201-02.
- Gilkin, Firth (?) Caroline: failure to attend, 1768-70. Campbell, 206.
- Goodrich, John Caroline: attending unauthorized service, dismissed, 1771. Campbell, 436.
- Greenwood, James Middlesex: presented for being absent from church. Little, 516.
- Hoar, John Middlesex: presented by grand jury for nonattendance, 1773. Little, 291.
- Hoddon, Thomas Middlesex: presented by grand jury for nonattendance, 1773. Little, 291.
- Jones, Nicholas Orange: presented for being absent from church. Little 92.

- Lee, Thomas Middlesex: presented by grand jury for nonattendance, 1771, fined. Little, 266-67.
- Lee, William Middlesex: presented by grand jury for nonattendance, 1773. Little, 291.
- McNails, George Caroline: indictment attending unauthorized, dismissed, 1768. Campbell, 201-02.
- Miller, Christopher Middlesex: presented by grand jury for nonattendance, 1773. Little, 291.
- Moody, Griffin Caroline: failure to attend, fined, 1768; failure to attend, 1768-70. Campbell, 201-02, 207.
- Noden, Martha Caroline: indicted attending unauthorized, dismissed, 1768. Campbell, 201-02.
- Oakes, Henry Orange: presented for being absent from church. Little, 92.
- Parker, William, Jr. Caroline: failure to attend, fined, 1768. Campbell, 201-02.
- Powal, David (wife) Middlesex: presented by grand jury for nonattendance, 1773. Little, 291.
- Pritchett, Lucretia Middlesex: presented by grand jury for nonattendance, 1772, 1773. Little, 291.
- Pruit, Benjamin Caroline: failure to attend, fined, 1768. Campbell, 201-02.
- Pruit, John Caroline: failure to attend, fined, 1768. Campbell, 201-02.
- Pruit, Thadeus Caroline: failure to attend, fined, 1768. Campbell, 201-02.
- Redd, Joseph Caroline: failure to attend, fined, 1768. Campbell, 201-02.
- Rhodes, Benjamin Middlesex: presented by grand jury for nonattendance, 1773. Little, 291.
- Robinson, Christopher Middlesex: presented by grand jury for nonattendance, 1771, fined. Little, 266.
- Roy, Thomas Caroline: failure to attend, fined, 1768. Campbell, 201-02.

- Southworth, John      Caroline: failure to attend, fined, 1768; failure to attend, 1768-70. Campbell, 201-02, 206.
- Stevens, Micajah      Caroline: attending unauthorized service, dismissed, 1771. Campbell, 436.
- Stop, James            Orange: presented for being absent from church. Little, 92.
- Stop, Joshua           Orange: presented for being absent from church. Little, 92.
- Strother, William      Orange: presented for being absent from church, took oath and excused. Little, 92.
- Tarrent, Henry         Caroline: failure to attend, fined, 1768. Campbell, 201-02.
- Terrell, Christopher    Caroline: indictment attending unauthorized, dismissed, 1768. Campbell, 201-02.
- Terrell, Henry         Caroline: indicted attending unauthorized, dismissed, 1768. Campbell, 201-02.
- Terrell, Rachel         Caroline: indicted attending unauthorized, dismissed, 1768. Campbell, 201-02.
- Terrell, Thomas        Caroline: indictment attending unauthorized, dismissed, 1768. Campbell, 201-02.
- Thompson, John        Caroline: indictment attending unauthorized, dismissed, 1768. Campbell, 201-02.
- Tinsley, William       Caroline: indicted attending unauthorized, dismissed, 1768. Campbell, 201-02.
- Wake, Judith           Middlesex: presented by grand jury for not attending, 1771. Little, 266.
- Walker, Catherine      Middlesex: presented by grand jury for not attending, 1771. Little, 266.
- Ware, Edward          Middlesex: presented by grand jury for not attending, 1772. Little, 291.
- Ware, Robert           Middlesex: presented by grand jury for not attending, 1771. Little, 520, 266.



- Webmore, Edward Middlesex: presented by grand jury for not attending, 1772. Little, 291.
- Wilson, Holding Orange: presented for being absent, took oath and excused. Little, 92.
- Woolfolk, Robert Caroline: indicted attending unauthorized, dismissed, 1768. Campbell, 201-02.
- Wyatt, John Caroline: failure to attend, fined, 1768. Campbell, 201-02.

## Sources:

“Prosecution of Baptist Ministers: Chesterfield County, Va., 1771 – ’73,” *The Virginia Magazine of History and Biography* 11 (1903-04): 415-17.

Benedict, David. *A General History of the Baptist Denomination in America*. 2 vol. 1813. Reprint, Freeport, NY: Books for Libraries Press, 1971.

Campbell, T.E. *Colonial Caroline: A History of Caroline County, Virginia*. Richmond: Dietz Press, Inc., 1954.

Craig, Joseph. *A Sketch of a Journal of the Reverend Joseph Craig*. 1827. Published by Aubrey Thomas, January 1927, entered on-line by Ann Woodlief, 2005, <http://www.geocities.com/awoodlief/craigjournal.html>.

Curry, J.L.M. *Struggles and Triumphs of Virginia Baptists, a Memorial Discourse*. Philadelphia: The Bible and Publication Society, 1873.

Edwards, Morgan. *Materials Towards a History of the Baptists in the Provinces of Maryland, Virginia, North Carolina, South Carolina, Georgia*. Vol. III. 1772. Microfilm. Special Collections, University of Virginia, Charlottesville, VA.

Fristoe, William. *A Concise History of the Kettocton Baptist Association*. 1808. Reprint, Harrisonburg, Va.: Sprinkle Publications, 2002.

Gewehr, Wesley M. *The Great Awakening in Virginia, 1740-1790*. Gloucester: Peter Smith, 1965.

Hurt, Frances Hallam. *An Intimate History of the American Revolution in Pittsylvania County, Virginia*. Danville, VA: Womack Press, 1976.

- Little, Lewis Peyton. *Imprisoned Preachers and Religious Liberty in Virginia*. 1938. Reprint, Gallatin, TN: Church History Research and Archives, 1987.
- Lutz, Francis Earle. *Chesterfield: an Old Virginia County*. Richmond: William Byrd Press, Inc., 1954.
- Rennie, Sandra Joy. "Crusaders for Virtue – The Development of the Baptist Culture in Virginia from 1760 to 1790." MA Thesis, La Trobe University, Melbourne, 1975.
- Riley, B.F. *A History of the Baptists in the Southern States East of the Mississippi*. Philadelphia: American Baptist Publications Society, 1898.
- Semple, Robert B. *A History of the Baptists in Virginia*. Revised and extended by G.W. Beale. 1894. Reprint, Cottonport, LA: Polyanthos, 1972.
- Simpson, William S., Jr. *Virginia Baptist Ministers, 1760-1790: A Biographical Survey*. 3 vol. Richmond, 1990.
- Taylor, James B. *Virginia Baptist Ministers, in Two Series*. Philadelphia: J.B. Lippincott & Co., 1859.
- Taylor, John. *Baptists on the American Frontier: A History of Ten Baptist Churches of which the Author has been Alternately a Member*. Ed. Chester Raymond Young. 1823. Reprint, Macon, GA: Mercer University Press, 1995.
- Thom, William Taylor. *The Struggle for Religious Freedom in Virginia: The Baptists*. Johns Hopkins University Studies, Historical and Political Science, Nos. 10-11-12, Series XVIII. Ed. by Herbert B. Adams. 1900 Reprint ed. New York: Johnson Reprint Corporation, 1973.

Appendix B:  
**BAPTISTS V. PRESBYTERIANS: LEADING THE FIGHT FOR RELIGIOUS  
FREEDOM**

For over 200 years Baptist and Presbyterian religionists have claimed primacy in the fight for religious freedom in Virginia. Most of those claims are simply unsustainable.

Some are built upon error. One Presbyterian protagonist, for example, in explaining the central role of his own denomination while ignoring the role of the Baptists reported that his religious forbearers were responsible for the “10,000 name” petition presented to the Virginia General Assembly in October 1776 – a petition which clearly owes its heritage primarily to the efforts of the Baptists.<sup>1</sup>

At other times, each denomination has taken credit for intellectual developments which, more reasonably, neither can properly accept. Jefferson’s historic and inspiring Statute for Establishing Religious Freedom has been claimed by both denominations as being a direct result of their own earlier work. Presbyterian historians have claimed that nothing in Jefferson’s Statute was not clearly and forcefully presaged in the October 1776 petition from the Hanover Presbytery – a claim which this author, at least, cannot discern from the documents. Several Baptist historians claim that Jefferson’s drafting of the Statute was a direct response to a request for drafting assistance by Baptist preachers: in effect Jefferson was acting only as their amanuensis. There is little to support this theory and, given Jefferson’s demonstrated drafting skills and the literary flavor of his other

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1 J.D.P., “History, Policy and General Principles,” 14-15, 38-43, 60-65.

drafting, this claim, too, must be viewed as excessive. Similarly, members of both denominations claim that their co-religionists were responsible for Madison's magisterial *Memorial and Remonstrance* and for Madison's earlier amendment to the Virginia Declaration of Rights calling for religious freedom in response to George Mason's proposal for broad toleration.<sup>2</sup>

In some cases, religionists have sought directly to minimize or denigrate the role of their sister denominations. Most notably, a number of Baptist historians have pointedly (occasionally angrily) insisted that only Baptists were consistent in the battle for reli-

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2 Compare Howell, *Early Baptists of Virginia*, 122 (Baptist Convention proposed Statute on Religious Freedom in 1777; Jefferson and Madison drafted at Reuben Ford's request in 1778) and Patton, *Triumph of the Presbytery*, 51-52 (nothing in bill not from 1776 Presbyterian petition). Gewehr, *Great Awakening*, 198, 205; Dalton, *Struggle for Liberty*. Smylie, "From Revolution to Civil War," 52 (Madison's ideas for *Memorial* from Presbyterian petitions). Howell refers to Madison's *Memorial* as "their," Baptists', memorial.

It is well known that when the General Committee of the Baptists of Virginia, ... had issued its Declaration of Principles, which was simply a repetition of that adopted twelve years before by its predecessor, this Declaration was placed in the hands of Mr. Madison with a request that he would embody it in their behalf, in a memorial to the Legislature, to be issued when their great measure, 'The Act for Establishing Religious Freedom,' should come up before that body. These proceedings occurred in August, 1785.

Howell, *Early Baptists*, 113, 124. The *Memorial* had to have been prepared before August of 1785. Thom refers to the "Memorial and Remonstrances of the General Committee of Baptists" drafted by Madison. Thom, *Struggle for Religious Freedom*, 77 (553). James, *Documentary History*, 62ff (Baptist influence on Article 16); Johnson, *Virginia Presbyterianism*, 76ff (Presbyterian influence on Article 16); Brydon, *Virginia's Mother Church*, 2:383-84 (Presbyterian influence). The editors of Madison's papers take a reasonable course, noting that "[a]ssertions of intellectual dependence are often based on slender textual coincidences, but there are a number of similarities between the views of JM [James Madison] and Locke toward religious ties between church and state." Rutland, Rachal, Ripel, and Teute, eds., *Papers of James Madison*, 8:297, citing John Locke's "Letter on Toleration."

gious freedom, noting in particular the 1784 petition of the Hanover Presbytery which they characterize as favoring a general assessment – while, in fact, the document was qualified and caveated and, more importantly, superseded within months. Kinder than most, Robert Semple, in speaking of the battle over a general assessment, argues that defeat of the assessment “may, in a considerable degree, be ascribed to the opposition made to it by the Baptists.... The Baptists, we believe, were the only sect who plainly remonstrated. Of some others, it is said that the laity and ministry were at variance upon the subject so as to paralyze their exertions....” Even more clearly misshaping the history, several Baptist historians have sought directly to deny the change of heart among Presbyterians after the 1784 petition, claiming that they never “officially” changed their position in support of the assessment – in spite of the calling of a Presbyterian convention to reassess, that convention’s development of a form of petition that was sent by numerous Presbyterian churches in opposition to the assessment and the central role that Presbyterian opposition played in the decision of the General Assembly to reverse course and reject a general assessment. Howell is, perhaps, the most parochial of Baptist historians, insisting that Presbyterian calls for religious liberty were limited and that “[f]or the bold purpose of establishing religious freedom, whether it involved honor or dishonor, deliverance or chains, life or death, the Baptists, and the Baptists alone, were then held responsible by all others, and they held themselves responsible.”<sup>3</sup>

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3 E.g. Armitage, *History of the Baptist*, 2:344 (general assessment “was supported by nearly all Christian denominations in Virginia except the Baptists”). Semple, *History of the Baptists*, 97-98. Howell, *Early Baptists*, 89.

More generally, many of the sectarian histories tend simply to be silent concerning the efforts of those who were not members of their denomination or to gloss over them.

Of course, it would equally be error to ignore the denominational source of various petitions and lobbying efforts over the course of the 20 year period under review. Perhaps coming closer to the truth of the matter, several sources claim that Presbyterians provided the more articulate claims for religious freedom – being, after all, generally more schooled than their Baptist brethren. Presbyterians “contributed the more statesmanlike arguments” and were given special consideration on matters affecting the west of the Commonwealth. This view builds, to some extent, on the earlier history of a greater acceptance of Presbyterian dissenters by establishment leaders by the 1760s and greater persecution of Baptists. (As Isaac suggests, it was the focus of the establishment on the more vociferous Baptist ministers in the 1760s that contributed to the easing of the persecution of the Presbyterians.) At the same time, Baptist protagonists can point to the longevity and centrality of religious freedom to the development of their denomination and the long-standing theological basis for their demands. The early Anglican historian Francis Hawks concluded that “[t]he Baptists, though not to be outdone in zeal, were surpassed in ability by the Presbyterians....”<sup>4</sup>

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4 Thompson, *Presbyterians in the South*, 98. Patton, *Triumph of the Presbytery*, 18. See also Wilson, *Tinkling Springs*, 222 (“But upon the Presbyterians fell the responsibility of leadership in the struggle because of the training that fitted them to meet the legislators in debate and the indebtedness of the Virginia Assembly to the Scotch Presbyterians for the vigor with which they had fought the Indians on the frontier, particularly the great victory over the Indians at Point Pleasant in 1774.”) *Transformation*, 143-57. Hawks, *Contributions to the Ecclesiastical History*, 140.

Equally important, from the perspective of mobilization, Virginia's leadership was, perhaps, more concerned with its ability to draw upon the assistance of Baptists in the war effort and, given the treatment of the Baptists by Virginia's political leadership before the war and some historic tendency of Baptists toward pacifism, with good reason. It will be recalled that Governor Henry expressly called upon the Baptist minister Jeremiah Walker to urge his co-religionists to enlist and support the war. At the same time, the ability to call upon the riflemen of the frontier (largely Presbyterian) was also an important issue for Virginia's mobilization (lest we forget the role of Morgan's riflemen at Saratoga, for example, or the Presbyterian frontiersmen at the Battle of King's Mountain).

In the end, it seems evident that the fight for religious freedom depended essentially upon the combined support and efforts of the Baptists and Presbyterians. Perhaps, one might conclude, the Presbyterians could be more eloquent and persuasive in the ranks of tidewater gentry. (Although, the Baptist 1785 "Spirit of the Gospel" petition in opposition to the general assessment was as compelling a piece of drafting as anything that had preceded it.) Perhaps one might conclude that the Baptists provided more of the political "muscle" behind the effort, for example in their leadership in the "10,000 name" petition and the necessity of emboldening Baptists to mobilize. As is more often than not the case in reading the tapestry of history, each played its role and each was necessary. Respect for their efforts and for history requires that one seek to distinguish the source of individual petitions and debates. The same respect, though, requires that the efforts of

one group not be isolated from the complex milieu which was the negotiation for religious freedom in Virginia.

Still, one episode that lies at the heart of the effort by many Baptist historians to minimize or denigrate the Presbyterian role deserves more careful consideration: the decision of the Hanover Presbytery to give qualified support for a general assessment in 1784.

When the Hanover Presbytery filed its petition to the Virginia General Assembly in November 1784, its primary purpose was to denounce the proposals for incorporating the Episcopal Church then pending in the House, particularly proposals to incorporate the clergy independent of the laity and to provide specific rules for Episcopal governance. (This opposition appeared to be a shift from earlier Presbyterian petitions which supported non-discriminatory incorporation.) Having given primacy to that task, and despite previous Presbytery opposition to a general assessment, the authors of the 1784 petition seemed willing to compromise on the question of a general assessment to support all Christian sects in order to defeat the proposed incorporation, particularly given reports that an assessment would surely pass the legislature in any case.

Given the controversy that surrounded this petition, both at the time and historically, it is worth quoting it at some length:

We have understood that a comprehensive incorporating act, has been, & is at present in agitation, whereby ministers of the gospel as such, of certain descriptions, shall have legal advantages which are not proposed to be extended to the people at large of any Denomination. A proposition has been made by some Gentlemen in the House of Delegates, we are told, to extend the grace to us, amongst others, in our professional capacity.... But as the scheme of incorporating clergymen, independent of the religious communities to which they belong is inconsistent with our ideas of



propriety, we request the liberty of declining any such solitary honour should it be again proposed. To form clergymen into a distinct order in the community & especially where it would be possible for them to have the principal direction of a considerable public estate by such incorporation, has a tendency to render them independent at length of the churches whose ministers they are; and this has been too often found by experience to produce ignorance, immorality, and neglect of the duties of their Station.... it would naturally tend to introduce that antiquated and absurd system, in which Government is owned in effect to be the fountain head of spiritual influences to the Church. It would establish an immediate, a peculiar, & for that very reason in our opinion illicit connexion between Government, and such as were thus distinguished. The Legislature in that case would be the head of a religious party, and its dependant members would be entitled to all decent reciprocity, to a becoming paternal & fostering care. This we suppose would be giving a preference & creating a distinction between Citizens equally good, on account of something entirely foreign, from civic merit, which would be a source of endless jealousies, and inadmissible in a Republic or any other well directed government....

We conceive that human Legislation ought to have human affairs alone for its concern....

Neither is it necessary to their [ministers'] existence that they should be publicly supported by a legal provision for the purpose, as tried experience hath often shown; although it is absolutely necessary to the existence & welfare of every political combination of men in society, to have the support of Religion and its solemn institutions as affecting the conduct of rational beings more than human laws can possibly do. On this Account it is wise policy in Legislation to seek its alliance & solicit it's [sic] aid in a civil view because of it's [sic] happy influence upon the morality of the citizens, and its tendency to preserve the veneration of an oath or an appeal to heaven, which is the cement of the social Union. It is upon this principle alone in our opinion, that a Legislative body has a right to interfere in Religion at all, & of consequence we suppose that this interference ought only to extend to the preserving of the public worship of the Deity, and the supporting of Institutions for inculcating the great fundamental principles of Religion without which Society could not easily exist.

Should it be thought necessary at present for the Assembly to exert this right of supporting Religion in General by an Assessment on all the people; we would wish it to be done on the most liberal plan. A General Assessment of the kind we have heard proposed is an object of such con-

sequence that it excites much anxious speculation among your Constituents.

We therefore earnestly pray that nothing may be done in the case inconsistent with the proper object of human legislation or the Declaration of rights as published at the Revolution. We hope that the assessment will not be proposed under the idea of supporting religion as a spiritual system, relating to the care of the soul and preparing it for its future destiny. We hope that no attempt will be made to point out articles of faith that are not essential to the preservation of Society; or to settle modes of worship; or to interfere in the internal government of religious communities; Or to render the Ministers of Religion independent of the will of the people whom they serve.<sup>5</sup>

Ignoring or minimizing the qualifications in the Presbyterian position, many contemporaries, and historians, criticized the Presbyterian clergy bitterly for having abandoned principled opposition to an assessment, apparently for twenty pieces of silver in the form of government-supported salaries. Madison's anger had a notable impact on later historians.

The Episcopal people are generally for it [a general assessment], tho' I think the zeal of some of them has cooled. The laity of the other Sects are equally unanimous on the other side. So are all the Clergy except the Presbyterian who seem as ready to set up an establishment which is to take them in as they were to pull down that which shut them out. I do not know a more shameful contrast than might be formed between their Memorials on the latter & former occasion.

Sectarian historians have joined in strident criticism of the Presbyterians' 1784 actions. Howell goes so far as to claim (without citation and ignoring earlier Presbyterian opposition) that Presbyterians originated the idea of a general assessment in 1777 and that the Baptists "stood alone" against the general assessment. While he admits that the Presbyter-

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<sup>5</sup> Miscellaneous Petitions (November 12, 1784). The Presbytery had opposed a general assessment in the Miscellaneous Petitions (June 3, 1777).

rians were to recede from their nominal support for an assessment in 1784, he says that this occurred too late to have an impact and was never “communicated to the Legislature” – ignoring numerous Presbyterian petitions in opposition to the general assessment which adopted the position of the Presbyterian convention in August 1785 and the views of key politicians that Presbyterian opposition was essential to the ultimate defeat of the general assessment. At the same time, some Presbyterian historians have sought to minimize or obscure the fact that Presbyterian clergy did, even if with qualifications, seem to accept a general assessment.<sup>6</sup>

Certainly, some Presbyterian clergy may have been attracted by the prospect of tax collections supporting their income (there is some suggestion by historians that John Blair Smith would have welcomed such assistance); on balance, however, it seems an unfair criticism of the Presbyterian position. The 1784 Presbyterian petition as a whole seems to show considerable ambivalence for the general assessment but, believing it inevitable, suggests that if adopted it have clear limitations; moreover, by August 1785, the

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6 James Madison to James Monroe (April 12, 1785), Rutland, Rachal, Ripel, and Teute, eds., *Papers of James Madison*, 8:261. Madison’s earlier comments were more judicious, noting only that “[t]he Presbyterian Clergy have remonstrated agst. Any narrow principles, but indirectly favor a more comprehensive establishment.” Madison to James Monroe (November 14, 1784), *ibid.*, 8:137. Howell, *Early Baptists*, 98, 119, 12. See also Ryland, *Baptists of Virginia*, 125-26 (noting only Presbyterian petition in support of assessment and “[t]he Baptists were the only organized group that opposed the assessment.”); Riley, *History of the Baptists in the Southern States*, 100 (Baptists “never stood more alone”). The bill “Concerning Religion” calling for a general assessment in 1779 was introduced by James Henry, a Presbyterian elder from the Eastern shore, Thompson, *Presbyterians in the South*, 102, but the basis for Howell’s claim concerning 1777 is otherwise unclear, particularly in light of the Presbytery’s express opposition to an assessment in the Miscellaneous Petition, June 3, 1777. Foote, *Sketches of Virginia*, 345-350; Johnson, *Virginia Presbyterianism*, 106-07.

Presbyterian clergy, joining their laity, had emphatically changed their position and made clear that a general assessment was simply unacceptable. There is no doubt, though, that whatever its intent, the 1784 petition dramatically increased the likelihood that a general assessment would be adopted.

This leaves the question of how the November 1784 petition was issued. The key lies in the opposition to the proposals for incorporation of the Episcopal Church. While initially accepting the notion of non-discriminatory incorporation of churches for legal purposes, in 1784, key Presbyterian leaders were exceedingly agitated over Episcopal incorporation proposals, to a point bordering on hysteria. John Blair Smith – 28 years old, a leading Presbyterian minister, president of Hampden Sydney College, a friend of Madison's, a supporter of a general assessment, and apparently the leading draftsman of the Presbyterian November petition – wrote Madison in June of 1784 complaining angrily that, based on his review of the journal of the House of Delegates, the Episcopalians were seeking incorporation of the clergy separate from the laity which was “unjustifiable, & very insulting to the members of their communion....” Beyond the issue of clergy/laity relations, using language paralleled in the November petition, Smith indicated that what disturbed him most was the suggestion in the Episcopal petition that the legislature would “[e]nable, them to regulate all the spiritual concerns of the Church &c.”<sup>7</sup>

This rather odd, vehement diatribe and the attack on incorporation in the November petition which effectively caused the Presbytery to minimize the question of a general

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7 See Buckley, *Church and State*, 93, Brydon, *Virginia's Mother Church*, II:442. John Blair Smith to James Madison, June 21, 1784, Rutland, Rachal, Ripel, and Teute, eds., *Papers of James Madison*, 8:81.

assessment (if not acquiesce) require unpacking. The journal of the House did report that the Episcopal Church sought “that an Act may pass to incorporate the Clergy of the Protestant Episcopal Church in Virginia, to enable them to regulate all the spiritual concerns of that Church.”<sup>8</sup> Smith’s angst, though, seems excessive.

As a preliminary matter, it is not entirely clear that separate incorporation of the clergy was ever a realistic option. In the summer of 1784 and again in December, the language reported in the *Journal of the House of Delegates* goes back and forth from “incorporating the Protestant Episcopal Church” to “incorporating the Clergy of the Protestant Episcopal Church” without any apparent change in intent, and the act as actually adopted in December incorporated the vestries with the clergy.<sup>9</sup> While Madison and others later reported that the most obnoxious provisions of the proposal were removed before passage, suggesting that a draft incorporating the clergy separately may have been amended, it is also evident that Madison (perhaps with his mind on more important matters) did not adequately focus on the details of the incorporation bill.<sup>10</sup> While after the

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8 *JHD*, June 4, 1784, 48.

9 The original resolution supported incorporation of both the “Clergy of the Protestant Episcopal Church and the United Clergy of the Presbyterian Church.” After that, the language vacillated. Compare *JHD*, June 16, 1784, 79, June 21, 1784, 95, June 22, 1784, 100 (“Protestant Episcopal Church”), with *JHD*, June 17, 1784, 85, June 18, 1784, 59, June 19, 1784, 93, June 23, 1784, 104, June 24, 1784, 106, June 25, 1784, 108 (“Clergy of the Protestant Episcopal Church”). Brydon reports that the title was changed on June 21, Brydon, *Virginia’s Mother Church*, II:447, but there is no support in the journal for this assertion and some of the vacillation noted above occurs on days when no action was taken on the bill.

10 Buckley concludes, without citation, that in incorporating the vestries with the clergy, the House had “rejected the request of the Episcopal clergy of the previous June which had asked for their own incorporation.” Buckley, *Church and State*, 107. Madison implies that such a change may have occurred, telling James Madison, Sr. that the bill  
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war Anglican clergy had organized independently in Connecticut, Maryland and Virginia, this did not presage a separate incorporation. Governor William Paca in Maryland explained what had to have been a general sentiment: “the Episcopalian clergy shall not represent our Episcopal Church independently of the laity.... In short the Clergy may meet and meet again, but there never will be an Episcopal Church established in Maryland *without the Laity*.” In any case, while a separate incorporation of the clergy might have been “insulting to the members of their communion,” as Smith noted, converting this into a full-blown establishment of a separate order with the legislature at the head requires a leap of faith. If Episcopalians chose to be governed by bishops and priests, it is not altogether clear that this “insult” is of any concern to Presbyterians. In fact, in his June letter to Madison, Smith recognized that this question may have been none of his business. “[I]f the Gentlemen, of the communion are so used to Dictators, that they either have not observed the Jure divino pretension to domineer over them, or have not inclination or Spirit to oppose it, perhaps it may be thought proper for one so little interested in the matter as myself to be Silent.” Yet, in spite of this, Smith was so insulted in the lack of “Spirit which my Countrymen discover,” that he could not resist making the supposed

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as introduced “was wholly inadmissible.” James Madison to James Madison, Sr., January 6, 1785, Rutland, Rachal, Ripel, and Teute, eds., *Papers of James Madison*, 8:217. Madison, though, also evidences an unhealthy suspicion of the Episcopalians and the incorporation law. For example, he claimed that the law as passed deprived vestries of the right to hire ministers, *ibid.*, 8:228, but this is inaccurate. Hening, ed., *Statutes*, XI (1784), 532-37.

separate incorporation of the clergy one of the center pieces of the lengthy November petition – at best diverting attention from other matters.<sup>11</sup>

The question of spiritual regulation of the Episcopal Church was another matter. The relevant Episcopal petition does request that a law “enable the Clergy of the Protestant Episcopal Church in Virginia by an act of incorporation to regulate all the spiritual concerns of that Church.” (The clause “by an act of incorporation” was inter-lined, as if an afterthought.) As noted in the November petition, the Presbytery believed that a church’s right to regulate internal matters was inherent, and any legislative action in this regard would set an inappropriate and dangerous precedent. Still, Smith’s anger over enabling the Anglicans to regulate spiritual matters – which he identifies as his greatest concern – seems misplaced or at least overblown. Smith recognized that the Episcopal request that they be “enabled” to regulate spiritual concerns was “necessary & proper” given that the state control over Episcopal worship had never been expressly surrendered.<sup>12</sup> As Smith notes, there was the historical problem that Anglican modes of worship and doctrines had been legally dictated under the colonial establishment and many of those restrictions were still on the books. Smith went on, however, to argue that the proposal of the Episcopal clergy, which essentially would frame a constitution for the Epi-

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11 Paca quoted in Stowe, “State or Diocesan Conventions,” 232-33 (emphasis original). Brydon, *Virginia’s Mother Church*, II:446. John Blair Smith to James Madison, June 21, 1784, Rutland, Rachal, Ripel, and Teute, eds., *Papers of James Madison*, 8:81.

12 Miscellaneous Petitions, June 4, 1784. John Blair Smith to James Madison, June 21, 1784, Rutland, Rachal, Ripel, and Teute, eds., *Papers of James Madison*, 8:81 and Miscellaneous Petition, June 4, 1784 (clergy of the Episcopal Church). The Episcopal petition also asked the legislature to divest vestries of their responsibilities for the poor, echoing dissenters’ requests.

scopal Church, would give the inappropriate impression that “the Legislature is to consider itself the head of that Party, & consequently they as Members are to be fostered with particular care.” This also incensed Smith. Perhaps making his point more clearly, without engaging in the debate over whether the laity needed to be a part of Episcopal Church governance or the necessity of disentangling the state from governance of the Episcopal Church, a Baptist petition in 1786 explained “[i]f the members of the Protestant Episcopal Church prefer Episcopacy to any other form of Government, they have an undoubted Right as free Citizens of [the] State to enjoy it; But to call in the aid of Legislature to Establish it, threatens the freedom of Religious Liberty in its Consequences.” The key substantive point in both Smith’s lengthy letter and the lengthier November petition was that the law should simply allow incorporation, but leave the terms of the Episcopal organization to the church. Had this point been made alone and clearly, much controversy might have been avoided. (Interestingly, as finally adopted, the Act of Incorporation mandated effective control of the church by the laity, but, as noted elsewhere, the entire Act would be swept away by the of 1786.) Smith’s harangue, on the other hand, seems to pattern nothing so much as the violent, not always well-reasoned, reaction in colonial times to the proposals for an American bishop.<sup>13</sup>

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13 Baptist Petition, *JHD*, November 1, 1786, 15; language of the petition from Eckernode, *Separation of Church and State*, 119. John Blair Smith to James Madison, June 21, 1784, Rutland, Rachal, Ripel, and Teute, eds., *Papers of James Madison*, 8:81-82. See generally Bonomi, *Under the Cope of Heaven*. For some sense of the vehemence, if not the erudition, of the colonial debate over an American bishopric, see *Virginia Gazette* (Purdie & Dixon), June 20, 1771, July 4, 1771, August 15, 1771, August 22, 1771, October 10, 1771, October 17, 1771, October 31, 1771, November 21, 1771, December 19, 1771, January 9, 1772, March 5, 1772, May 20 1773 (supplement), June 3, 1773; June 30, (footnote continued)



With this vehement passion over the Episcopal incorporation, Smith played a leading role at the 1784 meeting of the Hanover Presbytery and, with William Graham (an opponent of general assessment), was chosen to draft the November petition. One might conclude that in focusing that November petition on incorporation and accepting an assessment, Smith's hatred of the Episcopal hierarchy seemed to blind him to the greater danger to liberty of conscience.<sup>14</sup> This may be correct. Alternatively, more basic politically maneuvering may also have had a role; the opportunity to oppose incorporation gave Smith a chance to exercise his own latent conservative support for an assessment.<sup>15</sup>

Less than a week after the Presbyterian petition was received by the House, John Blair Smith and John Todd, members of the Hanover Presbytery who had been sent to the Assembly to explain the Presbytery's position, wrote another letter to the Assembly on

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1773, *Virginia Gazette* (Rind), July 18, 1771, August 8, 1781, September 5, 1771. Eventually, even the printers tired of this discourse.

14 For another example of Smith's relations with Episcopalians, in a later dispute with Carter Bassett Harrison, Benjamin Harrison's son, Smith sought confirmation from Madison (which the latter would not provide) that Harrison had termed dissenters "[t]he greatest curse which heaven sent at any time into this Country...." John Blair Smith to James Madison, May 16, 1785 (ca), Rutland, Rachal, Ripel, and Teute, eds., *Papers of James Madison*, 8:282. Of course, the suspicion was not wholly one-sided. David Griffith, Anglican rector of Fairfax Parish, wrote another rector in the fall of 1783 and complained "the leaders of almost every other denomination are labouring with the greatest assiduity to increase their influence, and, by open attacks and subtle machinations, endeavouring to lessen that of every other society, – particularly the Church to which you and I have the honour to belong, in whose destruction they all (Quakers and Methodists excepted) seem to agree perfectly...." Brydon, *Virginia's Mother Church*, II:264.

15 Wilson, ed., *Records of the Synod*, May 19, 1785. Buckley explains Smith's and Graham's disagreement over the assessment. *Church and State*, 93-94.

incorporation. In this more moderate letter, they confirmed that they did not oppose incorporation to hold property, but that “to incorporate Clergymen exclusively of the religious communities whom they serve would be in their opinion an unequal, impolitic & dangerous measure.” (Again making a point which Smith had previously recognized was really a matter of concern only to Episcopal laity.) More generally, they pointedly opposed any act of incorporation which suggested that the legislature had authority over church matters. While clarity on the Presbyterian position is decidedly lacking, Smith’s position is evident when the new memorial declares that any incorporation other than to hold property is

unnecessary, because all Ministers by virtue of their office have an inherent right, to meet & consult upon spiritual & ecclesiastical matters when they please, provided they do not disturb the State – & dangerous; because it would be to acknowledge the State as the indulgent parent of any class of Citizens, whose consciences would permit them to become obedient children in Spirituals; while others who should refuse submission in this respect, tho equally good Citizens, might be treated with a partial coldness which would be undeserved.<sup>16</sup>

The same confusion and fear would be evident less than a year later when the Presbyterian convention clearly denounced the general assessment but said that what it opposed in the incorporation statute was unequal treatment and the fact that the Act “authorizes & directs the regulation of Spiritual concerns.”<sup>17</sup>

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16 Miscellaneous Petition, November 18, 1784.

17 Miscellaneous Petition, November 2, 1785. There likely also continued some disagreement among Presbyterians about the strategy to be adopted on incorporation. See, e.g., *JHD*, December 29, 1785, 116, asking that a bill be brought in in response to the petition of the “members of the Presbyterian Church, near Otterpeaks, in Bedford County” seeking “Incorporation of the Elders of their church.” Ultimately, no action was taken on this proposal.

This flurry of activity may not have helped to clarify entirely the Presbyterian position on incorporation, but the focus on incorporation and, at least, acquiescence in a general assessment that appeared inevitable, was clear and had an enormous impact. Certainly the Incorporation Act as framed was objectionable, particularly in the legislature's regulation of the Episcopal polity by specifying the mechanisms of an Episcopal Convention, but one cannot help but to conclude that Smith over-reacted and, as a result, came perilously close to allowing a general assessment bill to pass the House of Delegates – a result which had been historically (and would be again) heartily opposed by Presbyterian, but which was apparently supported by Smith. Smith's actions earned the enmity of contemporaries and many historians.<sup>18</sup>

At the same time, it is possible that Madison sought to use Smith's (and the Presbyterian) anger at incorporation to address what he saw as the far more serious problem – the proposed general assessment. On November 17, 1784, the same day that the resolu-

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To further confuse their position, this 1785 Presbyterian petition, in protesting the Act of Incorporation, again raised the problem of the glebes having been left to the Episcopal Church, a matter which resulted not from incorporation but from the 1776 law suspending payment of the establishment assessment. In fact, by requiring a triennial accounting by any church with revenue exceeding £800, Hening, ed., *Statutes*, XI:596, Art. IX, the Act of Incorporation created some mechanism (albeit a limited one) to bring a parish to account if its glebe – bought with public moneys – was excessive to its needs. Baptists, though, also took the opportunity of the general outcry against the assessment bill and Act of Incorporation to complain of the vesting of the glebes in the Episcopal Church. Orange County (Baptists in Convention), November 17, 1785.

18 Ironically, as this debate concerning church-state relations festered, in fact, on the same day that the Episcopal petition that so rankled Smith for fear of an establishment was received, the House resolved to give Hampden Sydney College (a Presbyterian institution of which Smith was president) 400 acres of land which had been seized during the Revolution. See *JHD*, June 4, 1784, 46-47, Hening, ed., *Statutes*, XI:392-93.

tions to eliminate discrimination in the provision of marriages and the civil functions of Anglican vestries were adopted, after the House had approved a resolution “for the incorporation of all societies of the Christian religion, which may apply for the same,” Harrison’s committee was ordered to bring in a bill “to incorporate the Clergy of the Protestant Episcopal Church.” The reasons for this critical shift in language – adopting exactly the “clergy” language which incensed the Presbyterians and applying it only to the Episcopalians – are not altogether clear. The previous petition from Presbyterian sources seeking a non-discriminatory incorporation bill had been upstaged by the November 12 Presbyterian petition which opposed incorporation of the clergy of the Episcopal Church (although the November 18th letter from John Todd and John Blair Smith had not yet been received). Perhaps the Episcopal leaders, faced with the apparent contradiction in the Presbyterian petitions, planned to act on the Episcopal Church request first and incorporate other churches – in the manner they requested – as clear requests were received. On the other hand, the exclusive focus on the Episcopal incorporation, not to mention the language referring to clergy, may simply represent hubris of the Episcopal leaders drafting the bill. Possibly it was inserted by an opponent of a general assessment precisely to play on Presbyterian fears. By December 11 when the incorporation bill was introduced, it was simply referred to as “A Bill for incorporating the Protestant Episcopal Church.”<sup>19</sup>

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19 *JHD*, November 17, 1784, 25. *JHD*, December 11, 1784, p. 62. Some evidence that the specific language on “clergy” may not have been the focus of the draftsmen is the fact that the language used in the *Journal* continued apparently simply to switch back and forth. Compare *JHD*, December 11, 1784, 62; December 13, 1784, 65; December 17, 1784, 71; December 18, 1784, 72; December 20, 1784, 73; December 22, 1784, 75 (“Protestant Episcopal Church”), and *JHD*, November 17, 1784, 25; December 21, 1784, 74 (“Clergy of the Protestant Episcopal Church”).

In any case, Madison may have seen in the language used on incorporation an opportunity to attack what he saw as a dangerous alliance between the Presbyterians and Episcopalians on the question of a general assessment. This effort to sow dissension among the Presbyterians and Episcopalians may have been facilitated by the arrival in Richmond the next day, November 18, of John Todd and the agitated John Blair Smith.<sup>20</sup> No doubt Madison also took up with these gentlemen the question of the Presbyterian shift on the general assessment. While Madison's precise actions in lobbying this issue are not recorded, he later reports to Jefferson that

The Presbyterian clergy have at length espoused the idea of the opposition [to the general assessment], being moved either by *a fear of the laity or a jealousy of the episcopalians*. The mutual hatred of these sects has been much inflamed by the late act incorporating the latter. *I am far from being sorry for it as a coalition between them could alone endanger our religious rights and a tendency to such an event had been suspected.*<sup>21</sup>

In fact, the Presbyterian clergy had misjudged; the assessment proved to be anything but inevitable and, ultimately, dissenter (including Presbyterian) petitions were at the heart of the successful effort to prevent its adoption.<sup>22</sup> In mid-November 1784, how-

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20 *JHD*, November 18, 1784, 26. The Presbyterians had also authorized William Graham and John Montgomery to join Todd and Smith in Richmond but for unknown reasons, they did not attend. See Minutes of the Hanover Presbytery, October 28, 1784.

21 James Madison to Thomas Jefferson, August 20, 1785, Boyd, Bryan, and Hutter, eds., *Papers of Thomas Jefferson*, 8:413-16, 415 (italics originally in cipher). Jefferson's letter to Madison from December 4, 1784 was to the same effect.

22 Perhaps chastened by the vehement reaction of his co-religionists against a general assessment and the apparent support for an assessment expressed in the November 1784 petition that he had drafted, in 1785 Smith busied himself in supporting the Presbyterian efforts to defeat the assessment. Thompson notes: "When the assessment bill was taken up in the committee as a whole [in 1785], John Blair Smith appeared as one of the committee of the Presbytery of Hanover and desired to be heard.... discussion, which

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ever, with a strong majority apparently in support of an assessment, Presbyterian acquiescence (even if lukewarm) and Patrick Henry in seeming command of the situation (with strong political allies), Madison's anger at the Presbyterians is evidence of grave concern and deep frustration. As discussed in Chapter 4, this was to change.

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was continued for three days. When the question was called, the bill was lost in the committee by a majority of three votes." *Presbyterians in the South*, 108.

Appendix C:  
**CALCULATING DENOMINATIONAL SUPPORT FOR MOBILIZATION IN  
VIRGINIA DURING THE REVOLUTIONARY WAR**

Calculating the support given to war mobilization by various denominations in Virginia during the Revolutionary War cannot be done directly and, even indirectly, poses a host of problems. Data for enlistment by denomination are not available. Moreover, even if such data did exist – either on a statewide basis or for several counties – at best rough estimates of the relative strength of denominations in revolutionary Virginia, generally or by county, are available (*see* Chapter 1). As noted therein, calculation of a dissenting denomination's relative strength in the eighteenth century is greatly complicated by the occasional conformity of many and by the fact that normally several times the number of people participated in dissenters' worship services than became "members" of the dissenting churches. Without information on the specific strength of each denomination in a given county, a detailed comparison of relative mobilization by denomination could not be made, even if enlistment by denomination was available.

Some effort to identify denominational support for mobilization can be made by identifying the relative strength of denominations by county.<sup>1</sup> Beyond the general geographic distribution discussed in Chapter 1, this can be done by locating dissenting churches by county. Here, too, several problems arise. First, many of the early meeting houses for both Baptist and Presbyterian dissenters were simply homes or farm buildings

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<sup>1</sup> Counties in present-day Kentucky, although part of Virginia until 1792, were ignored for these purposes as involving relatively few men and very inadequate records. Counties in present-day West Virginia are included.

which were used on an occasional basis. Further, many churches established by dissenting congregations had several associated meeting houses, even though each meeting house could not necessarily be considered a separate congregation or church. (The same was true in most Anglican parishes, with each parish in 1770, on average, associated with 2.7 churches or chapels.<sup>2</sup>) Nor can one easily identify Anglican strength by locating Anglican churches (data for which are more readily available) because law required the presence of at least one Anglican Church in each parish whether or not there were substantial numbers of Anglicans to utilize the facility.

To address these concerns, published lists of Baptist and Presbyterian churches in Virginia in 1776 from Lewis Peyton Little, *Imprisoned Preachers and Religious Liberty in Virginia* and Robert P. Davis, James H. Smylie, Dean K. Thompson, Ernest Trice Thompson and William Newton Todd, *Virginia Presbyterians in American Life: Hanover Presbytery (1755-1980)* were utilized. Little's list was supplemented and revised using the underlying sources, Robert Semple's history of the Baptists and Morgan Edwards' Journal as, for reasons that are not clear, Little failed to include a number of churches from Semple and included several churches twice using the different names for a single congregation from Semple and Edwards.<sup>3</sup> The list from *Virginia Presbyterians* appears to be relatively thorough. To permit a reasonable comparison, these published lists were utilized exclusively. The resulting list of early Virginia dissenting churches yields 89

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2 Nelson, *Blessed Company*, 29.

3 Little, *Imprisoned Preachers* and Davis, *et al.*, *Virginia Presbyterians*. The underlying sources for Baptist churches are Semple, *History of the Baptists*, and Edwards, *Materials Towards a History*.



Virginia Baptist churches and 94 Presbyterian churches from 1776.<sup>4</sup> While some other churches might claim roots in the period, these may represent affiliated meeting houses. Certainly on an aggregate basis, these lists provide a reasonable means to identify the presence of dissenting congregations and relative strength of dissenting denominations.

For these purposes, the 1776 dissenting churches had to be classified by county. While Semple and Edwards generally provide county data, for many of the Presbyterian churches listed in *Virginia Presbyterians*, the county in which a church was formed and in which it was located in 1776 had to be identified, a task complicated by the creation of new counties throughout the period. Problems also arose for several of the Baptist churches which were identified by Semple as in a county which was formed after the creation of the church, e.g. Fluvanna (formed in 1777) for the “Fork Church” founded in 1774.

Once the counties of origin were identified, the number of Baptist and Presbyterian churches in a county in 1776 was utilized to classify a county as “Baptist” (B) or “Presbyterian” (P) presence if there was one such dissenting church present, or “Strong Baptist” (BB) or “Strong Presbyterian” (PP) presence if there were two or more such

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4 Three Baptist churches – in Isle of Wight, Surry and Prince George – were ignored for this purpose as these churches dated to 1714 and an early Baptist formation in the colony which generally died out by mid-century. See Little, *Imprisoned Preachers*. The list of Baptist churches is attached. These figures seem reasonable. Terman says “[e]stimates of numbers of Baptist churches in Virginia in 1776 run from seventy-four to ninety-three.” Terman, “American Revolution,” 10, citing Benedict, *General History of the Baptist*, 651, and Kerr, “Character of Political Sermons,” 202. Hill, *George Mason: Constitutionalist*, 44 (90 Baptist churches). See also Lohrenz, “Virginia Clergy,” 15 (72 Baptist churches in 1774). Terman estimated 66 Presbyterian congregations by 1778. “American Revolution,” 35, citing Kerr, “Character of Political Sermons,” 202. The list from Davis, *et al.*, *Virginia Presbyterians*, appears more complete.

churches. If there were no dissenting churches in a county, it was classified as “Other” – for our purposes, dominated by Anglican. Of course, because some counties might have both Baptist and Presbyterian churches, a county could be designated as both “Baptist” and “Strong Presbyterian,” for instance, resulting in data from that county being considered in both categories.

As most of the available data by county on recruiting and requisitions were from the 1780 to 1781 period, counties which were formed between 1776 and 1781 were categorized according to the classification of the county or counties from which they were formed using the 1776 church lists.<sup>5</sup> No effort was made to update the lists of churches to 1780 as all denominations faced very substantial disruption during the war,<sup>6</sup> and identifying churches which had been formed would be difficult while identifying those which were no longer meeting would be even more so. Certainly the information from 1776 provides an accurate general representation of the denominational strength in the counties throughout the war.

The strength of dissenter presence in the various Virginia counties could then be compared to mobilization data available by county. Three instances of records on mobilization were available from the 1780-81 period which permit a comparison across a

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5 Greenbrier was formed in 1777 from Botetourt (PP)/Montgomery (B/PP). It is included in this analysis as B/PP. Other newly formed counties were listed by the designation of their predecessor county(ies) without complications.

6 See, e.g., Eckenrode, *Revolution in Virginia*, 295. See also Sprague, *Annals of the American Pulpit, Vol. III, Presbyterians*, 398 (“The times were most adverse to the progress of religion, and the success of ministerial labor. The State, and that very part of it, had been invaded by the British; and the minds of the people were occupied chiefly about their own safety, and their country’s independence.”).

number of counties. These include the recruits raised for the Continental Army under the Act of October 1780, the 1781 call for "six month men" in response to Cornwallis' invasion of Virginia, and the requisitioning of material by county under the 1780 Provision Law. In each case, records were submitted to Richmond permitting a comparison of a county's actual response to the number of men or amount of supplies requisitioned of that county by the state based upon its relative population. Thus, a percentage of mobilization response could be calculated for each county (averaging the response for the 1780 and 1781 troop mobilizations and the 1781 requisition), Table 3.<sup>7</sup>

Several factors complicated this calculation. First and foremost, a very high percentage of the counties for each of the requisitions did not respond to Richmond's call for returns (noted as "no response" or "?" on the returns). While it is likely that a "no response" often equated to the county's failure to supply any of the requisitioned troops or supplies, given the state of records, this could not simply be assumed. As a result, when no return was available from a county, it was simply ignored for calculating the response to that requisition. As noted in Table 2, a very high percentage of the counties provided no response to many of the requisitions.<sup>8</sup>

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7 Returns for each of these requisitions can be found in the archives of the Library of Virginia under Virginia General Assembly, House of Delegates, Speaker, Executive Communications, Letters and returns, 1781 November 26, Accession 36912, State government records collection. The 1781 requisition of materials under the 1780 Provision Law assigned to each county a quota of shirts, overalls, stockings, hats and shoes. The response for each category was averaged to provide a single percentage response to the material requisition by county.

8 The supposition that a "no response" would often correspond to a "zero" or weak response is supported by the data which are available. As Table 2 shows, the highest rate of mobilization occurred in those counties ("Strong Baptist" and "Presbyterian") which  
(footnote continued)

Second, given the high “no response” rate in some categories, the “averages” presented in Table 2 are not simply the average of the three individual averages (1780 troops, 1781 troops and 1781 materials) in each category in that table. Simply averaging these averages would weight data sets with particularly high “no response” rates equally with other data sets. (For example, the 1781 troop requisition for Presbyterian counties, with an almost 88% no response rate, would be weighted equally with the 1780 troop requisition in Presbyterian counties, with a less than 7% no response rate. *See* Table 2.) To resolve this problem, the figures presented are the average of each of the county averages in each particular category; these county averages are presented in Table 3. Another means to address this problem would be simply to average every data point available (each county, each requisition). It was found, however, that this did not result in a significant variation from relying on the compilation of the county averages.

In addition to these data sets from 1780-81, one data set from early in the war also provides some intriguing data. Thomas Jefferson’s papers include a table listing militia “raisd 1776” by county and providing total militia strength by county. While the table is not perfectly clear, and neither the context nor other documents seem to explain Jeffer-

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(footnote continued)

had the lowest rate of “no response.” The alternative conclusion – that counties with high “no response” rates would have shown higher rates of mobilization had more responses been made – makes little sense as a county had every incentive to provide information of a high response, especially since the state continued to seek an accounting of supplies well into 1782. *E.g.* Virginia General Assembly, House of Delegates, Speaker, Executive Communications (May 29, 1782), Library of Virginia, Richmond, call # 36912. Nonetheless, “no response” had to be treated as a null set, rather than zero. This may be particularly telling as the no response rate for “Other” counties, i.e. those without a dissenting church, exceeded 80%.

son's table, it would appear that Jefferson, in his capacity as a member of the General Assembly's committee on the army, was recording each county's response to the mobilization of Virginia militia into the Continental Army or the Virginia regiments in 1776.<sup>9</sup> From these data, the percentage of each county's militia that enlisted for full service could be calculated and then aggregated by county category (Baptist, Strong Baptist, etc.). In performing this analysis, several problems with these data also had to be addressed.<sup>10</sup> The results are shown in Table 1.

Any conclusions concerning the impact of dissenters on mobilization have to be tentative for several reasons. One could argue, for example, that response to requisitions in 1780 and 1781 from counties would, of necessity, be limited from those counties that responded most vigorously in the early years of the war. Alternatively, one might suggest that a growing latent Toryism in a war-weary Virginia makes analysis from 1780 and 1781 most apt.<sup>11</sup> One must also consider other factors that could influence support for

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9 Boyd, Butterfield, and Bryan, eds., *Papers of Thomas Jefferson*, 2:130-32.

10 First, this analysis uses Jefferson's 1776 figures for militia "raised" but the 1777 figures for total militia by county when available as Jefferson viewed these as more accurate than the 1776 data on total militia by county. In addition, several figures in the *Papers of Thomas Jefferson* were corrected and a "0" was added for missing digits at the end of a figure based upon the copy of the document available from the Library of Congress American Memories site, [http://memory.loc.gov/ammem/collections/jefferson\\_papers/](http://memory.loc.gov/ammem/collections/jefferson_papers/), image 754-55. To make sense of the data, blanks left by Jefferson were treated as zero. To calculate militia size in 1777 to compare to militia raised in 1776, Henry and Pittsylvania counties were added together as were Albemarle and Fluvanna. Ohio, Monongalia and Yohogania (formed from Augusta West) were excluded from this analysis because of the difficulty of creating a fair comparison between the available 1776 and 1777 data.

11 E.g. Eckenrode, *Revolution*, 242. "Towards the close of the Revolution the State contained an increasing number of passive Tories."

mobilization, e.g. the need of a county to respond to possible Indian attacks or the unwillingness of the men to enlist when their homes and families might be directly threatened by British troops. In that regard, as Map 3 shows, the relative rate of support for mobilization tends to be strongest in those areas away from the frontier and British troops (i.e. the northern Piedmont and Northern Neck).

Nonetheless, the data that are available support the notion that dissenting counties mobilized at least as effectively as non-dissenting counties and, as the war progressed, more so. The relative response rates from county groups early in the war are much more comparable, with the relative differences being much smaller than in the 1780-81 period (albeit the 1776 Jefferson data show the lowest level of response from counties marked "Other" – a result driven by some of the Tidewater counties that suffered most seriously from loyalism). For the 1780-81 data, however, the strongest support came from those counties designated "Strong Baptist" and "Presbyterian," and the differences were very substantial. Interestingly, these counties had the highest available response rate (and, if "no response" often corresponded to an inadequate response, the differences might have been even greater than suggested by Table 2). In the 1780-81 period, mobilization in counties designated "Baptist" lagged "Other" only marginally. Table 2.

On its face, this is an interesting conclusion given the pre-war history of persecution which might have justified grudging or limited support for the war by dissenters. In fact, one might conclude that even proportional mobilization by dissenters, given the treatment that they received at the hands of the establishment before the war, supports the

notion that they negotiated for religious freedom in return for mobilization and that they delivered the promised support.

The difficulties with this analysis suggest that additional work is needed in this area. Still, no other analysis of these data has been located, and this is a start. Previous sectarian histories lauding the bravery and loyalty of particular individuals can be fascinating, but provide little comparative analysis of the relative strength of mobilization by sect.

## BAPTIST CHURCHES IN VIRGINIA, 1776

Ketocton	Loudon 1751	Pig River	Franklin 1773
Opekon (Mill Creek)	Berkeley 1752 (1743)	Albemarle	Albemarle 1773
Smith Linville's Creek	Rockingham 1756	Battle Run	Culpeper 1773
Smith's Creek	Shenandoah 1758	Burrus	Caroline 1773
Dan River	Pittsylvania 1760	Malone's (Geneto)	Mecklenburg 1773
Blackwater	Pittsylvania 1761	Chesterfield	Chesterfield 1773
Stanton	Pittsylvania 1761	Harper's	Dinwiddie 1773
Broadrun	Fauquier 1762	Catawba	Halifax 1773
Pungo (Oak Grove)	Pr. Anne 1762	Upper Banister	Pittsylvania 1773
Chappawomsick	Stafford 1766	Wynn's	Halifax 1773
Newvalley	Loudon 1767	Sappony	Sussex 1773
Upper Spotsylvania	Spotsylvania 1767	Dover*	Goochland 1773
Little-river	Loudon 1768	James City*	James City 1773
Mountain Run	Orange 1768	Reeds*	Caroline 1773
Birtchcreek	Pittsylvania 1769	Appomattox*	Pr. Edward 1773
Carter's Run	Culpeper 1769	Muddy Creek	Powhatan 1774
Waller's	Spotsylvania 1769	Fork	Albemarle 1774
Rapid-ann	Orange 1769	Mill Swamp	Isle of Wight 1774
Nottoway	Amelia 1769	Mayo	Halifax 1774
Blue Run	Orange 1769	Mountpony	Culpeper 1774
Fall Creek	Pittsylvania 1770	Tuckahoe*	Caroline 1774
Louisa	Louisa 1770	Upper King & Queen*	King & Queen 1774
Mill Creek	Pittsylvania 1770	Piscataway*	Essex 1774
Culpeper	Culpeper 1771	Guineas*	Spotsylvania 1774
Potomack (Hartwood)	Stafford 1771	N. Fork, Pamunkey*	Orange 1774
Bedford	Bedford 1771	Smith's Creek*	Shenandoah 1774
Amherst (Ebenezer)	Amherst 1771	Providence*	Buckingham 1774
Manor	Fauquier 1771	Bethel*	Fincastle 1774
Goochland	Goochland 1771	Totier	Albemarle 1775
Fiery Run	Culpeper 1771	Reedy Creek	Lunenburg 1775
Meherrin	Lunenburg 1771	Hunting Creek	Halifax 1775
Powhatan	Powhatan 1771	Rowanty	Dinwiddie 1775
Cubb Creek*	Charlotte 1771	Upper College*	King William 1775
Buckingham	Buckingham 1772	Exol*	King & Queen 1775
Leatherwood	Henry 1772	Goose Creek*	Loudon 1775
Racoon Swamp	Sussex 1772	Bull Run*	Fairfax 1775
Bluestone	Mecklenburg 1772	Difficult*	Fairfax 1775
Crooken Run	Culpeper 1772	Simpson's Creek*	Monongalia 1775
Lower King & Queen*	King & Queen 1772	Mathews*	?? 1775
Upper Essex*	Essex 1772	Buffaloe	Halifax 1776
Glebe Landing*	Essex 1772	Ready Creek	Brunswick 1776
Mill Creek*	Fauquier 1772	Chickahominy*	Hanover 1776
Rocks*	Pr. Edward 1772	Charles City*	Charles City 1776
Thumb Run*	Fauquier 1772	Licking Hole*	Goochland 1776
Buck Marsh*	Frederick 1772		



Sources: Robert B. Semple, *A History of the Baptists in Virginia*, G.W. Beale, ed. (1894, reprint ed. Cottonport, LA: Polyanthos, 1972), and Morgan Edwards, *Materials Towards a History of the Baptists in the Provinces of Maryland, Virginia, North Carolina, South Carolina, Georgia*, vol. III (1772) (microfilm University of Virginia Special Collections). Little's compilation of the data from Semple and Edwards, Lewis Peyton Little, *Imprisoned Preachers and Religious Liberty in Virginia* (1938, reprint ed. Gallatin, TN: Church History Research and Archives, 1987), leaves out approximately 20 churches from Semple (\*) without explanation.

Some churches were classified as a branch of other congregations (Edwards notes this in places) and, thus, not listed. Others on Little's list were deleted as duplicates or different names of same church (e.g. Lower Spotsylvania and Waller's).

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How Virginia's Religious Dissenters Helped Win the American Revolution  
and Religious Liberty

BIBLIOGRAPHY

Books

Adair, Douglas, and John A. Schutz, eds. *Peter Oliver's Origin & Progress of the American Rebellion: A Tory View*. Stanford: Stanford University Press, 1967.

Alexander, Samuel Davies. *Princeton College during the Eighteenth Century*. New York: Anson D.F. Randolph and Co., 1872.

Alley, Reuben Edward. *A History of Baptists in Virginia*. Richmond: Virginia Baptist General Board, 1973.

Alley, Robert S., ed. *James Madison on Religious Liberty*. Buffalo: Prometheus Books, 1985.

Akhil Reed Amar, Akhil Reed. *The Bill of Rights* (1998).

*The American Revolution: Writings from the War of Independence*, ed. by John Rhodehamel. New York: The Library of America, 2001.

Anderson, James S.M. *The History of the Church of England in the Colonies and Foreign Dependencies of the British Empire*. 2d ed., Vol. 3. London, 1856.

Armitage, Thomas. *A History of the Baptists: Traced by Their Vital Principles and Practices*. Vol. 2. New York: Bryan, Taylor & Co., 1890. CD-ROM, *The Baptist History Collection*, The Baptist Standard Bearer, Inc., Version 1.0. 2005.

Bailey, Raymond C. *Popular Influence upon Public Policy: Petitioning in Eighteenth-Century Virginia*. Westport, CN: Greenwood Press, 1979.

Bailyn, Bernard. *The Ideological Origins of the American Revolution*. Cambridge, MA: Belknap Press, 1967.

Bearss, Sara B., et al., eds. *Dictionary of Virginia Biography*. Vol. 3. Richmond: Library of Virginia, 2006.

Benedict, David. *A General History of the Baptist Denomination in America*. 2 vols. 1813. Reprint, Freeport, NY: Books for Libraries Press, 1971.

Bennett, William W. *Memorials of Methodism in Virginia*. Richmond, 1871.

Bitting, C.C. *Notes on the History of the Strawberry Baptist Association of Virginia, for One Hundred Years, -- From 1776 to 1876*. Baltimore: Strawberry Baptist Association, 1879 (microfilm).

Bonomi, Patricia U. *Under the Cope of Heaven: Religion, Society, and Politics in Colonial America*. New York: Oxford University Press, 1986.

Bonwick, Colin. *English Radicals and the American Revolution*. Chapel Hill: University of North Carolina Press, 1977.

Boyle, Andrew J. *The Church in the Fork: A History of Historic Little Fork Church*. Orange, VA: Green Publishers, Inc., 1983.

Brant, Irving. *James Madison: The Nationalist, 1780-1787*. Indianapolis: Bobbs-Merrill, 1948.

———. *James Madison: The Virginia Revolutionist, 1751-1780*. Indianapolis: Bobbs-Merrill, 1941.

Breed, W.P. *Presbyterians and the Revolution*. 1876. Reprint, Decatur, MS: Issacharian Press, 1993.

Brock, Robert K. *Archibald Cary of Amptill*. Richmond: Garrett and Massie Publishers, 1937.

Brown, Robert E., and Katherine Brown. *Virginia 1705-1786: Democracy or Aristocracy*. East Lansing, MI: Michigan State University Press, 1964.

Brydon, George MacLaren. *Virginia's Mother Church and the Political Conditions Under Which It Grew*, 2 vols. Richmond: Whittet & Shepperson, 1947.

Bucke, Emory S., ed. *The History of American Methodism*. Vol. 1. New York: Abingdon Press, 1964.

Buckley, Thomas E. *Church and State in Revolutionary Virginia, 1776-1787*. Charlottesville: University Press of Virginia, 1977.

Butler, Jon. *Awash in a Sea of Faith: Christianizing the American People*. Cambridge: Harvard University Press, 1990.

———. *Religion in Colonial America*. New York: Oxford University Press, 2000.

Campbell, Charles. *History of the Colony and Ancient Dominion of Virginia*. Philadelphia: J.B. Lippincott and Co., 1860.

Campbell, T.E. *Colonial Caroline: A History of Caroline County, Virginia*. Richmond: Dietz Press, Inc., 1954.

Cathcart, William. *Baptist Patriots and the American Revolution*. 1876, as *The Baptists and the American Revolution*. Reprint, Grand Rapids, MI: Guardian Press, 1976.

Clement, Maud Carter. *The History of Pittsylvania County, Virginia*. Lynchburg, VA: Bell Co., 1929.

Cobb, Sanford H. *The Rise of Religious Liberty in America*. 1902. Reprint, New York: Burt Franklin, 1970.

Conner, Albert Z., Jr. *A History of Our Own: Stafford County, Virginia*. Virginia Beach: Donning Company Publishers, 2003.

Conway, Moncure Daniel. *Omitted Chapters of History Disclosed in the Life and Papers of Edmund Randolph*. 1888. CD-ROM, *America: The Historic Facts*, Bank of Wisdom, Louisville, KY. 1999.

Conway, Stephen. *The British Isles and the War of American Independence*. Oxford: Oxford University Press, 2003.

Curry, J.L.M. *Struggles and Triumphs of Virginia Baptists, a Memorial Discourse*. Philadelphia: The Bible and Publication Society, 1873.

Curry, Thomas J. *The First Freedoms: Church and State in America to the Passage of the First Amendment*. New York: Oxford University Press, 1986.

Dalton, Robert. *Struggle for Liberty: The Baptists, the Bible and Church-State Conflict in Colonial America*. Bloomington: Author House, 2004.

Davis, Derek H. *Religion and the Continental Congress 1774-1789: Contributions to Original Intent*. Oxford: Oxford University Press, 2000.

Davis, Robert P., James H. Smylie, Dean K. Thompson, Ernest Trice Thompson and William Newton Todd, eds. *Virginia Presbyterians in American Life: Hanover Presbytery (1755-1980)*. Richmond: Hanover Presbytery, 1982.

Dill, Alonzo Thomas. *Carter Braxton, Virginia Signer: A Conservative in Revolt*. Lanham, MD: University Press of America, Inc., 1983.

Doll, Peter M. *Revolution, Religion, and National Identity: Imperial Anglicanism in British North America, 1745-1795*. Madison: Fairleigh Dickinson University Press, 2000.

Dudley, Harold James, ed. *Foote's Sketches of North Carolina, Historical and Biographical*. 1846. Reprint, Dunn, NC: Twyford Printing Co., 1965.

Eckenrode, H.J. *The Revolution in Virginia*. Hamden, Conn.: Archon Books, 1964.

———. *Separation of Church and State in Virginia: A Study in the Development of the Revolution*. New York: Da Capo Press, 1971.

Eskridge, William N., Jr., Philip P. Frickey and Elizabeth Garrett. *Legislation and Statutory Interpretation*. New York: Foundation Press, 2000.

Ferling, John. *Almost a Miracle: The American Victory in the War of Independence*. Oxford: Oxford University Press, 2007.

Foote, William Henry. *Sketches of Virginia Historical and Biographical*. 1850. Reprint, Richmond: John Knox Press, 1966.

*The Freeman's Remonstrance Against an Ecclesiastical Establishment*. Williamsburg, Dixon and Hunter, 1777. Early American Imprints, Series 1, no. 43250 (filmed).

Fristoe, William. *A Concise History of the Kettocton Baptist Association*. 1808. Reprint, Harrisonburg, Va.: Sprinkle Publications, 2002.

Galloway, Joseph. *Historical and Political Reflections on the Rise and Progress of the American Rebellion*. London: G. Wilkie, 1780. *Eighteenth Century Collections Online*. Gale Group. <http://galenet.galegroup.com/servlet/ECCO>.

Gaustad, Edwin Scott. *Historical Atlas of Religion in America*. New York: Harper & Row, 1962.

Gewehr, Wesley M. *The Great Awakening in Virginia, 1740-1790*. Durham: Duke University Press, 1930.

Gill, Frederick C., ed. *Selected Letters of John Wesley*. London: The Epworth Press, 1956.

Graham, Ian Charles Cargill. *Colonists from Scotland: Emigration to North America, 1707-1783*. Ithaca, NY: Cornell University Press, 1956.

Gray, Lewis Cecil. *History of Agriculture in the Southern United States To 1860*. Vol. 2. 1932. Reprint, Gloucester, MA: 1958.

Greene, L.F., ed. *The Writings of the late Elder John Leland, including some events in his life, written by himself, with some additional sketches*. New York: G.W. Wood, 1845.

Greene, Evarts B., and Virginia D. Harrington. *American Population before the Federal Census of 1790*. 1932. Reprint, Baltimore: Genealogical Publishing Co., Inc., 1997.

Griffin, Patrick. *American Leviathan: Empire, Nation, and Revolutionary Frontier*. New York: Hill and Wang, 2007.

Grigsby, Hugh Blair. *History of the Virginia Federal Convention of 1788*. Vol. II. Virginia Historical Society, *Collections*, New Series, X, Richmond, 1891.

———. *The Virginia Convention of 1776: A Discourse*. Richmond, 1855.

Hanley, Thomas O'Brien. *The American Revolution & Religion: Maryland 1770-1800*. Washington: The Catholic University of America Press, 1971.

Harlow, Vincent T. *The Founding of the Second British Empire, 1763-1793*. Vol. 2. London: Longmans, Green, 1964.

Harrell, Isaac Samuel. *Loyalism in Virginia*. Durham: Seeman Printery Inc., 1926.

Hawks, Francis L. *Contributions to the Ecclesiastical History of the United States of America*. New York: Harper and Brothers, 1836.

Headley, J.T. *The Chaplains and Clergy of the American Revolution*. New York: Charles Scribner, 1864 (microfilm).

Heimert, Alan. *Religion in the American Mind from the Great Awakening to the Revolution*. Cambridge: Harvard University Press, 1966.

Helwys, Thomas. *Mystery of Iniquity*. 1612. Facsimile 1935.

Henry, William Wirt. *Patrick Henry: Life, Correspondence and Speeches*. Vol. I. New York: Charles Scribner and Sons, 1891.

- Heyrman, Christine Leigh. *Southern Cross: The Beginnings of the Bible Belt*. New York: Alfred A. Knopf, 1998.
- Hill, Helen. *George Mason: Constitutionalist*. Cambridge MA: Harvard Univ. Press, 1938.
- Hoffman, Ronald. *A Spirit of Dissension: Economics, Politics, and the Revolution in Maryland*. Baltimore: The Johns Hopkins University Press, 1973.
- Holton, Woody. *Forced Founders: Indians, Debtors, Slaves, & the Making of the American Revolution in Virginia*. Chapel Hill: University of North Carolina Press, 1999.
- Howe, Henry. *Historical Collections of Virginia*. 1845. Reprint, Baltimore: Regional Publishing Co., 1969.
- Howell, Robert Boyle C. *The Early Baptists of Virginia*. 1864. CD-ROM, *The Baptist History Collection*, The Baptist Standard Bearer, Inc., Version 1.0. 2005.
- Howison, Robert R. *History of Virginia, from its Discovery and Settlement by Europeans to the Present Time*. Vol. II. Richmond: Drinker and Morris, 1848.
- Humphrey, Edward Frank. *Nationalism and Religion in America, 1774-1789*. New York: Russell & Russell, 1965.
- Hurt, Frances Hallam. *An Intimate History of the American Revolution in Pittsylvania County, Virginia*. Danville, VA: Womack Press, 1976.
- Ireland, James. *The Life of the Reverend James Ireland*. 1819. Reprint, Harrisonburg, Va.: Sprinkle Publications, 2002.
- Isaac, Rhys. *The Transformation of Virginia, 1740-1790*. New York: W.W. Norton & Co., 1982.
- James, Charles F. *Documentary History of the Struggle for Religious Liberty in Virginia*. Lynchburg, VA: J.P. Bell Co., 1900.
- Jefferson, Thomas. *Autobiography*. In *Thomas Jefferson Writings*, ed. by Merrill D. Peterson. New York: Library of America, 1984.
- . *Notes on the State of Virginia*. In *Thomas Jefferson Writings*, ed. by Merrill D. Peterson. New York: Library of America, 1984.

- Johnson, Samuel. *A Dictionary of the English Language*. Vol. 2. London, 5th ed., 1773. Gale Group. <http://galenet.galegroup.com/servlet/ECCO>.
- Johnson, Thomas Cary. *Virginia Presbyterianism and Religious Liberty in Colonial and Revolutionary Times*. Richmond: Presbyterian Committee of Publication, 1907.
- Kauper, Paul G. *Religion and the Constitution*. Kingsport TN: Louisiana State University Press, 1964.
- Knox, William. *Extra Official State Papers. Addressed to the Right Hon. Lord Rawdon, and the other members of the two Houses of Parliament, associated for the preservation of the constitution ... By a late under secretary of state*. Vol. 1. London, 1789. *Eighteenth Century Collections Online*. Gale Group. <http://galenet.galegroup.com/servlet/ECCO>.
- Kurland, Philip B., and Ralph Lerner, eds. *The Founders' Constitution*. Vol. I. Chicago: University of Chicago Press, 1987.
- Lacey, Douglas R. *Dissent and Parliamentary Politics in England, 1661-1689*. New Brunswick, New Jersey: Rutgers University Press, 1969.
- Lambert, Frank. *Inventing the "Great Awakening."* Princeton: Princeton University Press, 1999.
- Leland, John. *The Virginia Chronicle: with Judicious and Critical Remarks under XXIV Heads*. Norfolk: Prentis and Baxter, 1790. Early American Imprints, Series 1, no. 21920 (filmed).
- Little, Lewis Peyton. *Imprisoned Preachers and Religious Liberty in Virginia*. 1938. Reprint, Gallatin, TN: Church History Research and Archives, 1987.
- Lutz, Francis Earle. *Chesterfield: an Old Virginia County*. Richmond: William Byrd Press, Inc., 1954.
- Lydekker, John Wolfe. *The Life and Letters of Charles Inglis*. London: The Society for Promoting Christian Knowledge, 1936.
- Mapp, Alfred J., Jr. *The Virginia Experiment: The Old Dominion's Role in the Making of America (1607-1781)*. Richmond: Dietz Press, Inc., 1957.
- McConville, Brendan. *The King's Three Faces: The Rise & Fall of Royal America, 1688-1776*. Chapel Hill: University of North Carolina Press, 2006.
- McDonnell, Michael A. *The Politics of War: Race, Class, & Conflict in Revolutionary Virginia*. Chapel Hill: University of North Carolina Press, 2007.



McIlwaine, H.R., ed. *Journals of the Council of the State of Virginia*. Vol. II (Oct. 6, 1777 – Nov. 30, 1781). Richmond: The Virginia State Library, 1932.

Meade, Bishop William. *Old Churches, Ministers and Families of Virginia*. 2 vols. 1857. Reprint, Baltimore: Genealogical Publishing Co., Inc., 1978.

Meade, Robert Douthat. *Patrick Henry: Practical Revolutionary*. Philadelphia: J.B. Lippincott, 1969.

Middlekauff, Robert. *The Glorious Cause: The American Revolution, 1763-1789*. New York: Oxford University Press, 1982.

Muhlenberg, Henry A. *The Life of Major-General Peter Muhlenberg of the Revolutionary Army*. Philadelphia, 1849.

Nelson, John K. *A Blessed Company: Parishes, Parsons and Parishioners in Anglican Virginia, 1690-1776*. Chapel Hill: The University of North Carolina Press, 2001.

Newman, A.H. *A History of the Baptist Churches in the United States*. American Church History, Vol. II. New York: Christian Literature Co., 1894. CD-ROM, *The Baptist History Collection*, The Baptist Standard Bearer, Inc., Version 1.0. 2005.

Norton, Mary Beth. *The British-Americans: The Loyalist Exiles in England, 1774-1789*. Boston: Little, Brown and Company, 1972.

Oaks, Daillin H. *Religious Freedom and the Supreme Court*. Washington: Ethics and Public Policy Center, 1981.

O'Neill, James M. *Catholics in Controversy*. New York: McMullen Books, 1954.

*Oxford English Dictionary Online* (2007). <http://dictionary.oed.com/entrance.dtl>.

Pascal, George Washington. *History of North Carolina Baptists*. Vol. I. Raleigh: Edwards & Broughton, 1930.

Patton, Jacob Harris. *The Triumph of the Presbytery of Hanover; or, Separation of Church and State in Virginia*. New York: Anson D.F. Randolph & Co., 1887.

Perry, William, ed. *Historical Collections of the American Colonial Church*. Vol. 1: Virginia. 1870. Reprint, Westminster, MD: Willow Bend Books, 2001.

- Peterson, Merrill D., and Robert C. Vaughan, eds. *The Virginia Statute for Religious Freedom: Its Evolution and Consequences in American History*. Cambridge: Cambridge University Press, 1988.
- Ramsay, David. *The History of the American Revolution*, ed. by Lester H. Cohen. Vol. II. Indianapolis: Liberty Classics, 1990.
- Randolph, Edmund. *History of Virginia*, ed. by Arthur H. Shaffer. Charlottesville: The University Press of Virginia, 1970.
- Rapalje, Stewart, and Robert L. Lawrence. *A Dictionary of American and English Law*. 2 Vols. Jersey City: Frederick D. Linn & Co. 1888.
- Rhoden, Nancy L. *Revolutionary Anglicanism: The Colonial Church of England Clergy during the American Revolution*. New York: New York University Press, 1999.
- Riley, B.F. *A History of the Baptists in the Southern States East of the Mississippi*. Philadelphia: American Baptist Publications Society, 1898.
- Rives, William C. *History of the Life and Times of James Madison*. Vol. 1. Boston: Little, Brown & Co., 1859.
- Robbins, Caroline. *The Eighteenth Century Commonwealthman: Studies in the Transmission, Development and Circumstance of English Liberal Thought from the Restoration of Charles II until the War with the Thirteen Colonies*. New York: Atheneum, 1968. ACLS Humanities E-Book. Ann Arbor, MI: University of Michigan Library, Scholarly Publishing Office, 2007.  
<http://hdl.handle.net/2027/heb.00188>.
- Royster, Charles. *A Revolutionary People at War: The Continental Army and American Character, 1775-1783*. New York: W.W. Norton & Co., 1979.
- Ryland, Garnett. *The Baptists of Virginia, 1699-1926*. Richmond: The Virginia Baptist Board of Missions and Education, 1955.
- Sandoz, Ellis. *Political Sermons of the American Founding Era, 1730-1805*. 2 vol. Indianapolis: Liberty Fund, 1998.
- Saunders, William L., ed. *The Colonial Records of North Carolina, Vol. X – 1775-1776*. 1890. Reprint, New York: AMS Press, Inc., 1968.
- Schoepf, Johann David. *Travels in the Confederation, 1783-1784*. Vol. 2. Trans. and ed. Alfred J. Morrison. Philadelphia, 1911.

- Scott, W.W. *A History of Orange County Virginia*. Richmond: Everett Waddey Co., 1907.
- Scribner, Robert L., and Brent Tarter, eds. *Revolutionary Virginia: The Road to Independence*. Vol. III. Charlottesville: University Press of Virginia, 1977.
- Selby, John E. *The Revolution in Virginia 1775-1783*. Williamsburg: The Colonial Williamsburg Foundation, 1988.
- Semple, Robert B. *A History of the Baptists in Virginia*. Revised and extended by G.W. Beale. 1894. Reprint, Cottonport, LA: Polyanthos, 1972.
- Sherman, William. *ΠΡΟΔΡΟΜΟΣ: The Fore-Runner of Christ's Peaceable Kingdom on Earth*. 1665.
- Simpson, William S., Jr. *Virginia Baptist Ministers, 1760-1790: A Biographical Survey*. Vols. I and II. Richmond, 1990.
- Slaughter, Philip. *The Colonial Church of Virginia*. Boston: Rand, Avery & Co., 1885.
- Smith, Egbert W. *The Creed of the Presbyterians*. Richmond: John Knox Press, 1941.
- Smith, Page. *The Constitution: A Documentary and Narrative History*. New York: Morrow Quill Paperbacks, 1980.
- Sprague, William B. *Annals of the American Pulpit, Vol. III, Presbyterians*. New York: Robert Carter & Brothers, 1865.
- . *Annals of the American Pulpit, VI, Baptists*. New York: Robert Carter & Brothers, 1865.
- Stokes, Anson Phelps. *Church and State in the United States*. Vol. I. New York: Harper & Brothers, 1950.
- Stokes, Anson Phelps, and Pfeffer, Leo. *Church and State in the United States*. New York: Harper & Row, 1964.
- Sweet, William Warren. *Religion in Colonial America*. New York: Charles Scribner's Sons, 1951.
- Sydnor, Charles S. *American Revolutionaries in the Making: Political Practices in Washington's Virginia*. New York: The Free Press, 1965.

Tatum, Edward H., Jr. *The American Journal of Ambrose Serle, Secretary to Lord Howe, 1776-1778*. San Marino, CA: The Huntington Library, 1940.

Taylor, James B. *Virginia Baptist Ministers, in Two Series*. New York: Sheldon and Co., 1860.

Taylor, John. *Baptists on the American Frontier: A History of Ten Baptist Churches of which the Author has been Alternately a Member*. Ed. Chester Raymond Young. 1823. Reprint, Macon, GA: Mercer University Press, 1995.

Thomas, R.S. *The Loyalty of the Clergy of the Church of England in Virginia to the Colony in 1776 and Their Conduct*. Richmond: Wm. Ellis Jones, 1907.

Thompson, Ernest Trice. *Presbyterians in the South: Volume One: 1607-1861*. Richmond: John Knox Press, 1963.

Thornton, John Wingate. *The Pulpit of the American Revolution or, the Political Sermons of the Period of 1776*. Boston: Gould and Lincoln, 1860.

Tucker, George. *The Life of Thomas Jefferson, Third President of the United States, with Parts of His Correspondence Never Before Published and Notices of his Opinions in Questions on Civil Government, National Policy, and Constitutional Law*. Vol. I. Philadelphia: Covey, Lea & Blanchard, 1837.

Tyerman, Rev. L. *The Life and Times of the Reverend John Wesley, M.A., Founder of the Methodists*. Vol. 3. London: Hodder and Stoughton, 1876.

*Virginia Military Records from the Virginia Magazine of History and Biography, the William and Mary College Quarterly, and Tyler's Quarterly*. Baltimore: Genealogical Publishing Co., Inc., 1983.

Waddell, Joseph A. *Annals of Augusta County, Virginia, From 1726 to 1871*. 1902. Reprint, Bridgewater, VA: C.J. Carter Co., 1958.

Warren, Mercy Otis. *History of the Rise, Progress and Termination of the American Revolution*, ed. by Lester H. Cohen. Vol. 1. Indianapolis: Liberty Fund, 1989.

Watters, William. *A Short Account of the Christian Experience, and Ministerial Labours, of William Watters*. Alexandria: Snowden, 1806. Early American Imprints, Series 2, no. 11808 (filmed).

Watts, Michael. *The Dissenters from the Reformation to the French Revolution*. Oxford: Clarendon Press, 2002.

Whitsitt, William H. *The Life and Times of Judge Caleb Wallace*. Louisville: John P. Morton & Co., 1888.

Williams, David R. ed. *Revolutionary War Sermons*. Delmar, NY: Scholars' Facsimiles & Reprints, 1984.

Wilson, Howard McKnight. *The Tinkling Spring, Headwater of Freedom*. Fishersville, VA: The Tinkling Spring and Heritage Presbyterian Churches, 1954.

Wilson, Kathleen. *The Sense of the People: Politics, Culture and Imperialism in England, 1715-1785*. Cambridge: Cambridge University Press, 1998.

Wood, Gordon S. *The Creation of the American Republic, 1776-1787*. New York: W.W. Norton & Company, Inc., 1969.

Woolverton, John Frederick. *Colonial Anglicanism in North America*. Detroit: Wayne State University Press, 1984.

Wust, Klaus. *The Virginia Germans*. Charlottesville, 1969.

Young, Chester Raymond, ed. *Westward into Kentucky: The Narrative of Daniel Trabue*. Lexington, KY: The University Press of Kentucky, 2004.

### Court Cases

*Board of Education v. Louis Grumet*, 512 U.S. 687 (1994).

*Cantwell v. Connecticut*, 310 U.S. 296 (1940).

*City of Boerne v. P.F. Flores*, 521 U.S. 507 (1997).

*Employment Division v. Smith*, 494 U.S. 872 (1990).

*Everson v. Board of Education*, 330 U.S. 1 (1947).

*Illinois ex rel. McCollum v. Board of Education*, 333 U.S. 203 (1948).

*Locke v. Davey*, 540 U.S. 712 (2004).

*McDaniel v. Paty*, 435 U.S. 618 (1978).

*McGowan v. Maryland*, 366 U.S. 420 (1961).

*Reynolds v. United States*, 98 U.S. 145 (1879).

*Terrett v. Taylor*, 13 U.S. 43 (1815).

*Thomas v. Review Board*, 450 U.S. 707, 713 (1981).

*Welsh v. United States*, 398 U.S. 333 (1970).

### Dissertations/Theses

Berwick, Kenneth Bennet. "Moderates in Crisis: The Trials of Leadership in Revolutionary Virginia." PhD diss., University of Chicago, 1950.

Brown, Katherine L. "The Role of Presbyterian Dissent in Colonial and Revolutionary Virginia, 1740-1785." PhD diss., Johns Hopkins University, 1969.

Dresbeck, Sandra Ryan. "The Episcopalian Clergy in Maryland and Virginia, 1765-1805." PhD diss., University of California at Los Angeles, 1976.

Ebinger, Warren R. "The Role of the Clergy in the American Revolution." PhD diss., American University, 1976.

Hall, Cline Edwin. "The Southern Dissenting Clergy and the American Revolution." PhD diss., University of Tennessee, 1975.

Irons, Charles Frederick. "'The Chief Cornerstone': The Spiritual Foundations of Virginia's Slave Society, 1776-1861." PhD diss., University of Virginia, 2003.

Kerr, Harry P. "The Character of Political Sermons Preached at the Time of the American Revolution." PhD diss., Cornell University, 1962.

Lohrenz, Otto. "The Virginia Clergy and the American Revolution, 1774-1799." PhD diss., University of Kansas, 1970.

McBride, John David. "The Virginia War Effort; 1775-1783: Manpower Policies and Practices." PhD diss., University of Virginia, 1977.

O'Brion, Catherine Greer. "'A Mighty Fortress is our God': Building a Community of Faith in the Virginia Tidewater, 1772-1845." PhD diss., University of Virginia, 1997.

Pauley, William Everett, Jr. "Religion and the American Revolution in the South: 1760-1781." PhD diss., Emory University, 1974.

Rennie, Sandra Joy. "Crusaders for Virtue – The Development of the Baptist Culture in Virginia from 1760 to 1790." MA Thesis, La Trobe University, Melbourne, 1975.

Spangler, Jewell L. "Presbyterians, Baptists, and the Making of a Slave Society in Virginia, 1740-1820." PhD diss., University of California, San Diego, 1996.

Terman, William Jennings, Jr. "The American Revolution and the Baptist and Presbyterian Clergy of Virginia: A Study of Dissenter Opinion and Action." PhD diss., Michigan State University, 1974.

### Journals/Chapters

Alexander, Arthur J. "Exemption from Military Service in the Old Dominion During the War of the Revolution." *The Virginia Magazine of History and Biography* 53, no. 3 (July 1945): 163-71.

Alexander, James W. "The Rev. Jas. Waddell, D.D." *Watchman of the South* VII (March 28, 1844): 126-38.

Applegate, Howard L. "Anglican Clergy Serving the American Revolutionary Army, 1775-1783." *Historical Magazine of the Protestant Episcopal Church* 30, no. 2 (1961): 138-40.

Bailyn, Bernard. "Religion and Revolution: Three Biographical Studies." *Perspectives in American History* 4 (1970): 85-169.

Baldwin, Alice M. "Sowers of Seditious: The Political Theories of Some of the New Light Presbyterian Clergy of Virginia and North Carolina." *The William and Mary Quarterly* 3rd Series, vol. 5, no. 1 (Jan. 1948): 52-76.

Beeman, Richard R., and Rhys Isaac. "Cultural Conflict and Social Change in the Revolutionary South: Lunenburg County, Virginia." *The Journal of Southern History* 46, no. 4 (November 1980): 525-50.

Beeman, Richard R. "The Political Response to Social Conflict in the Southern Backcountry: A Comparative View of Virginia and the Carolinas during the Revolution." In *An Uncivil War: The Southern Backcountry During the American Revolution*, ed. by Ronald Hoffman, Thad W. Tate and Peter J. Albert, 213-39. Charlottesville: The University Press of Virginia, 1985.

Bonomi, Patricia. "'Hippocrates' Twins': Religion and Politics in the American Revolution." *The History Teacher* 29, no. 2 (February 1996): 137-44.

———. "Religious Dissent and the Case for American Exceptionalism." In *Religion in the Revolutionary Age*, ed. by Ronald Hoffman and Peter J. Albert, 31-51. Charlottesville: University Press of Virginia, 1994).

Buckley, Thomas E. "Keeping Faith: Virginia Baptists and Religious Liberty." *American Baptist Quarterly* 22, no. 4 (2003): 421-33.

Butler, Jon. "Coercion, Miracle, Reason: Rethinking the American Religious Experience in the Revolutionary Age." In *Religion in the Revolutionary Age*, ed. by Ronald Hoffman and Peter J. Albert, 1-30. Charlottesville: University Press of Virginia, 1994.

Calhoun, Robert M. "The Evangelical Persuasion." In *Religion in a Revolutionary Age*, ed. by Ronald Hoffman and Peter J. Albert, 156-83. Charlottesville: University Press of Virginia, 1994.

Craig, Joseph. *A Sketch of a Journal of the Reverend Joseph Craig*. 1827. Published by Aubrey Thomas, January 1927, entered on-line by Ann Woodlief, 2005, <http://www.geocities.com/awoodlief/craigjournal.html>.

Crow, Jeffrey J. "Liberty Men and Loyalists: Disorder and Disaffection in the North Carolina Backcountry." In *An Uncivil War: The Southern Backcountry During the American Revolution*, ed. by Ronald Hoffman, Thad W. Tate, and Peter J. Albert, 125-78. Charlottesville: University Press of Virginia, 1985.

Davis, Robert P. "The Struggle for Religious Freedom (1611-1776)." In *Virginia Presbyterians in American Life: Hanover Presbytery (1755-1980)*. Richmond: Hanover Presbytery, 1982.

Doares, Robert. "The Alternative of Williams-Burg." *Colonial Williamsburg* XXVIII, no. 2 (Spring 2006): 20-25.

Dreisbach, Daniel L. "Church-State Debate in the Virginia Legislature: From the Declaration of Rights to the Statute for Establishing Religious Freedom." In *Religion and Political Culture in Jefferson's Virginia*, ed. by Garrett Ward Sheldon and Daniel L. Dreisbach, 135-65. Lanham, MD: Rowman & Littlefield Publishers, Inc., 2000.

———. "A New Perspective on Jefferson's Views on Church-State Relations: The Virginia Statute for Establishing Religious Freedom in Legislative Context." *American Journal of Legal History* 35 (1991): 172-204.

Escott, Paul D., and Jeffrey J. Crow. "The Social Order and Violent Disorder: An Analysis of North Carolina in the Revolution and the Civil War." *The Journal of Southern History* 52, no. 3 (Aug. 1986): 373-402.



Evans, Emory G. "Trouble in the Backcountry: Disaffection in Southwest Virginia during the American Revolution." In *An Uncivil War: The Southern Backcountry During the American Revolution*, ed. by Ronald Hoffman, Thad W. Tate and Peter J. Albert, 179-212. Charlottesville: The University Press of Virginia, 1985.

Furlong, Patrick J. "Civilian-Military Conflict and the Restoration of the Royal Province of Georgia, 1778-1782." *The Journal of Southern History* 38, no. 3 (Aug. 1972): 415-42.

Garnett, Richard W. "Religion, Division, and the First Amendment." *The Georgetown Law Journal* 94 (2006): 1667-1724.

Greenawalt, Kent. "Common Sense about Original and Subsequent Understandings of the Religion Clauses." *University of Pennsylvania Journal of Constitutional Law* 8 (May 2006): 479-512.

Gunderson, Joan. "The Search for Good Men: Recruiting Ministers in Colonial Virginia." *Historical Magazine of the Protestant Episcopal Church* XLVIII (1979): 453-64.

Halliday, Paul D., and G. Edward White. "The Suspension Clause: English Text, Imperial Contexts, and American Implications." *Virginia Law Review* (forthcoming, May 2008).

Hamburger, Philip A. "A Constitutional Right of Religious Exemption: An Historical Perspective." *The George Washington Law Review* 60 (April 1992): 915-48.

Holland, Lynwood M. "John Wesley and the American Revolution." *Journal of Church and State*, 5 (1963): 199-213.

Holmes, David L. "The Episcopal Church and the American Revolution." *Historical Magazine of the Protestant Episcopal Church* XLVII (1978): 261-91.

Hood, Fred J. "Revolution and Religious Liberty: The Conservation of the Theocratic Concept in Virginia." *Church History* 40, no. 2 (June 1971): 170-81.

Irons, Charles F. "The Spiritual Fruits of Revolution: Disestablishment and the Rise of the Virginia Baptists." *The Virginia Magazine of History and Biography* 109, no. 2 (2001): 159-86.

Isaac, Rhys. "Evangelical Revolt: The Nature of the Baptists' Challenge to the Traditional Order in Virginia, 1765 to 1775." *The William and Mary Quarterly* 3rd Ser., vol. 31, no. 3 (July 1974): 345-68.

———. "Preachers and Patriots: Popular Culture and the Revolution in Virginia." In *The American Revolution*, ed. by Alfred F. Young, 125-56. DeKalb: Northern Illinois University Press, 1976.

———. “The Rage of Malice of the Old Serpent Devil’: The Dissenters and the Making and Remaking of the Virginia Statute for Religious Freedom.” In *The Virginia Statute for Religious Freedom: Its Evolution and Consequences in American History*, ed. by Merrill D. Peterson and Robert C. Vaughan, 139-69. Cambridge, Cambridge University Press, 1988.

———. “Religion and Authority: Problems of the Anglican Establishment in Virginia in the Era of the Great Awakening and the Parsons’ Cause.” *The William and Mary Quarterly* 3rd Ser., vol. 30, no. 1 (January 1973): 3-36.

Kay, Marvin L. Michael. “The North Carolina Regulation, 1766-1776: A Class Conflict.” In *The American Revolution*, ed. Alfred F. Young, 71-123. DeKalb: Northern Illinois University Press, 1976.

Kay, Marvin L. Michael, and Lorin Lee Cary. “Class, Mobility, and Conflict in North Carolina on the Eve of the Revolution.” In *The Southern Experience in the American Revolution*, ed. by Jeffrey J. Crow and Larry E. Tise, 109-51. Chapel Hill: The University of North Carolina Press, 1978.

Lash, Kurt T. “Power and the Subject of Religion.” *Ohio State Law Journal* 59 (1998): 1069-1154.

Lyles, Albert M. “The Hostile Reaction to the American Views of Johnson and Wesley.” *The Journal of the Rutgers University Library* XXIV:1 (December 1960): 1-13.

Marty, Martin E. “The Virginia Statute Two Hundred Years Later.” In *The Virginia Statute for Religious Freedom: Its Evolution and Consequences in American History*, ed. by Merrill D. Peterson and Robert C. Vaughan, 1-21. Cambridge: Cambridge University Press, 1988.

Mason, Keith. “Localism, Evangelicalism, and Loyalism: The Sources of Discontent in the Revolutionary Chesapeake.” *The Journal of Southern History* 56, no. 1 (February 1990): 23-54.

McConnell, Michael W. “The Origins and Historical Understanding of Free Exercise of Religion.” *Harvard Law Review* 103, no. 7 (May 1990): 1409-1517.

McDonnell, Michael A. “Popular Mobilization and Political Culture in Revolutionary Virginia: The Failure of the Minutemen and the Revolution from Below.” *The Journal of American History* 85, no. 3 (December 1988): 946-81.

McLoughlin, William G. "The Role of Religion in the Revolution." In *Essays on the American Revolution*, ed. by Stephen G. Kurtz and James H. Hudson, 197-255. Chapel Hill: University of North Carolina Press, 1973.

"A Memoir of the Late Rev. William Graham," *Evangelical and Literary Magazine and Missionary Chronicle* 4, no. 5 (May 1821): 253-63.

Moore, John S. "Jeremiah Walker in Virginia." *The Virginia Baptist Register* 15 (1976): 719-44.

———. "John Weatherford: The Man Behind the Legends." *The Virginia Baptist Register* 8 (1969): 356-74.

———, ed. "John Williams' Journal, Edited with Comments." *The Virginia Baptist Register* 17 (1978): 795-813.

Morgan, Edmund S., review. "Alan Heimert, Religion and the American Mind from the Great Awakening to the Revolution." *The William and Mary Quarterly*, 3rd Ser., vol. XXIV (1967): 454-59.

J.D.P. "History, Policy and General Principles of the Presbyterian Church." *The Presbyterian Advocate* 1 (1930): 14-15, 38-43, 60-65.

Parks, William. "Religion and the Revolution in Virginia." In *Virginia in the American Revolution: A Collection of Essays*, ed. by Richard A. Rutyna and Peter C. Stewart, 38-56. Norfolk: Old Dominion University, 1977.

Paulsen, Michael S. "Religion, Equality, and the Constitution: An Equal Protection Approach to Establishment Clause Adjudication." *Notre Dame L Rev.* 61 (1986): 311-7.

Pears, Thomas C., Jr. "Presbyterians and American Freedom." *Journal of the Presbyterian Historical Society* (June 1951): 77-95.

Pfeffer, Leo. "Madison's 'Detached Memoranda': Then and Now." In *The Virginia Statute for Religious Freedom: Its Evolution and Consequences in American History*, ed. by Merrill D. Peterson and Robert C. Vaughan, 283-312. Cambridge: Cambridge University Press, 1988.

Pound, Roscoe. "Spurious Interpretation." *Columbia Law Review* 7 (1907): 379-86.

"Presbyterians and the Revolution," *Journal of the Presbyterian Historical Society* V (1909-10): 127-31.

"Prosecution of Baptist Ministers: Chesterfield County, Va., 1771 - '73." *The Virginia Magazine of History and Biography* 11 (1903-04): 415-17.

Prufer, Julius F. "The Franchise in Virginia from Jefferson through the Convention of 1829." *William & Mary Quarterly* 2<sup>nd</sup> Ser., vol. 7, no. 4 (Oct. 1927): 255-70.

Raymond, Allan. "I Fear God and Honour the King': John Wesley and the American Revolution." *Church History* 45, no. 3 (Sept. 1976): 316-28.

Reinhold, Meyer. "Opponents of Classical Learning in America during the Revolutionary Period." *American Philosophical Society, Proceedings* CXII (1968): 221-34.

Rennie, Sandra. "Virginia's Baptist Persecution, 1765-1778." *The Journal of Religious History* 12, no. 1 (June 1982): 48-61.

Rice, John Holt. "Memorials to the General Assembly of Virginia." *Literary and Evangelical Magazine* IX, no. 1 (Jan. 1826): 30-47.

Sellers, Charles Grier, Jr. "John Blair Smith." *Journal of the Presbyterian Historical Society* XXXIV, no. 4 (Dec. 1956): 201-25.

Shy, John. "British Strategy for Pacifying the Southern Colonies, 1778-1781." In *The Southern Experience in the American Revolution*, ed. by Jeffrey J. Crow and Larry E. Tise: 155-73. Chapel Hill: The University of North Carolina Press, 1978.

Singleton, Marvin K. "Colonial Virginia as First Amendment Matrix: Henry, Madison, and Assessment Establishment." *Journal of Church & State* 8 (Autumn 1966): 345-64.

Slaughter, Philip. "A History of St. Mark's Parish, Culpeper County, Virginia." In *Genealogical and Historical Notes on Culpeper County, Virginia*, ed. by Raleigh Travers Green, 1-113. 1900. Reprint, Orange, VA: Quality Printing Co., 1989.

Sloan, Herbert, and Peter Onuf. "Politics, Culture, and the Revolution in Virginia," *The Virginia Magazine of History and Biography* 91, no. 3 (July 1983): 259-84

Smylie, James H. "From Revolution to Civil War (1776-1861)." In *Virginia Presbyterians in American Life: Hanover Presbytery (1755-1980)*, 45-102. Richmond: Hanover Presbytery, 1982.

———, ed. "Presbyterians and the American Revolution: A Documentary Account." *Journal of Presbyterian History* 52, no. 4 (Winter 1974): 299-487.

Spangler, Jewell L. "Becoming Baptists: Conversion in Colonial and Early National Virginia." *The Journal of Southern History* LXVII, no. 2 (May 2001): 243-86.

Stout, Cushing. "Jeffersonian Religious Liberty and American Pluralism." In *The Virginia Statute for Religious Freedom: Its Evolution and Consequences in American History*, ed. by Merrill D. Peterson and Robert C. Vaughan, 201-35. Cambridge: Cambridge University Press, 1988.

Stowe, Walter Herbert. "The State or Diocesan Conventions of the War and Post-war Periods." *The Historical Magazine of the Protestant Episcopal Church* 8 (1939): 220-56.

Sweet, William Warren. "The Role of the Anglicans in the American Revolution." *Huntington Library Quarterly* 11, no.1 (1947/1948): 51-70.

Tappert, Theodore G. "Henry Melchior Muhlenberg and the American Revolution." *Church History* 11, no. 4 (Dec. 1942): 284-301.

Tarter, Brent. "Reflections on the Church of England in Colonial Virginia." *The Virginia Magazine of History and Biography* 112, no. 4 (2004): 339-71.

Van Patten, Jonathan K. "The Partisan Battle over the Constitution: Meese's Jurisprudence of Original Intention and Brennan's Theory of Contemporary Ratification." *Marquette Law Review* 70 (Spring 1987): 389-422.

West, Ellis. "The Case Against a Right to Religion-Based Exemptions." *Notre Dame Journal of Law, Ethics & Public Policy* 4 (1989-90): 591-638.

### **Letters, Diaries, Papers**

Boyd, Julian P., Lyman H. Butterfield, and Mina R. Bryan, eds. *The Papers of Thomas Jefferson*. Vol. 1. Princeton: Princeton University Press, 1950.

———, eds. *The Papers of Thomas Jefferson*. Vol. 2. Princeton: Princeton University Press, 1950.

Boyd, Julian P., Mina R. Bryan, and Elizabeth L. Hutter, eds. *The Papers of Thomas Jefferson*. Vol. 7. Princeton: Princeton University Press, 1953.

———, eds. *The Papers of Thomas Jefferson*. Vol. 8 (Princeton: Princeton University Press, 1953.

Burke, Edmund. *The Works of the Right Honorable Edmund Burke*, revised ed. Vol. II. Boston: Little, Brown, and Company, 1866.

Davies, K.G., ed. *Documents of the American Revolution, 1770-1783 (Colonial Office Series)*. Volume III, Transcripts, 1771. Shannon, Ireland: Irish University Press, 1973.

———, ed. *Documents of the American Revolution, 1770-1783 (Colonial Office Series)*. Volume VIII, Transcripts, 1774. Shannon, Ireland: Irish University Press, 1973.

Fulham Palace Papers. General Correspondence. Volume XIV, beginning w/ material received from 1765. Lambeth Palace Library.

Hall, Wilmer L., ed. *The Vestry Book of the Upper Parish Nansemond County, Virginia, 1743-1793*. Richmond: Virginia State Library, 1981.

Hobson, Charles F., and Robert A. Rutland, eds. *The Papers of James Madison*. Vol. 12. Charlottesville: University Press of Virginia, 1979.

Honyman, Robert. *Diary, 1776-1782*. Accession 28855, Personal papers collection, The Library of Virginia, Richmond, VA 23219.

Hutchinson, William T., and William M.E. Rachal, eds. *The Papers of James Madison*. Vol. 1. Chicago: University of Chicago Press, 1962.

———, eds. *The Papers of James Madison*. Vol. 2. Chicago: University of Chicago Press, 1962.

———, eds. *The Papers of James Madison*. Vol. 4. Chicago: University of Chicago Press, 1965.

*The Journal of the Rev. John Wesley, A.M., Enlarged from Original MSS., with Notes from Unpublished Diaries, Annotations, Maps, and Illustrations*, ed. by Nehemiah Curnock. Vol. VI. Reprint, Kessinger Publishing, 2006.

*The Journal of John Wesley*, ed. by Nehemiah Curnock. Vol. VIII. London; 1916.

Macveagh, Lincoln, ed., *Journal of Nicholas Cresswell, 1774-1777*. New York: The Dial Press, 1924.

Mays, David John, ed. *The Letters and Papers of Edmund Pendleton, 1734-1803*. Vol. 2. Charlottesville: University Press of Virginia, 1967.

McIlwaine, H.R., ed. *Official Letters of the Governors of the State of Virginia, Vol. III: The Letters of Thomas Nelson and Benjamin Harrison*. Richmond: Virginia State Library, 1929.

Papers of Lord Dunmore: Dunmore, John Murray, Earl of, 1732-1809, Correspondence, 1771-1778. TR 13, Vols. 1 and 2. Rockefeller Library, Williamsburg, VA.

Rutland, Robert A., ed. *The Papers of George Mason: 1725-1792*. Vol. II. Kingsport, TN: University of North Carolina Press, 1970.

Rutland, Robert A., and Charles F. Hobson, eds. *The Papers of James Madison*. Vol. 10. Chicago: University of Chicago Press, 1977.

———, eds. *The Papers of James Madison*. Vol. 11. Charlottesville: University Press of Virginia, 1977.

Rutland, Robert A., and William M.E. Rachal, eds. *Papers of James Madison*. Vol. 9. Chicago: The University of Chicago Press, 1975.

Rutland, Robert A., William M.E. Rachal, Barbara D. Ripel, and Fredrika J. Teute, eds. *Papers of James Madison*. Vol. 8. Chicago: The University of Chicago Press, 1973.

Rutland, Robert A., William M.E. Rachal, Jean Schneider, and Robert L. Scribner, eds. *Papers of James Madison*. Vol. 7. Chicago: The University of Chicago Press, 1971.

Shy, John. "Confronting Rebellion: Private Correspondence of Lord Barrington with General Gage, 1765-1775." In *Sources of American Independence: Selected Manuscripts from the Collections of the William L. Clements Library*, ed. by Howard H. Peckman. Vol. I:1-139. Chicago: University of Chicago Press, 1978.

Smith, Paul Hubert, ed. *Letters of Delegates to Congress, 1774-1789*. Library of Congress, 1976-2000. <http://memory.loc.gov/ammem/amlaw/lwdg.html>.

Stevens, B.F. *Facsimiles of Manuscripts in European Archives Relating to America, 1773 - 1783*. Vol. XXIV, No. 2024-2107. London: Malby & Sons, 1895.

Tinling, Marion, ed. *The Correspondence of the Three William Byrds of Westover, Virginia, 1684-1776*. Vol. 2. Charlottesville: The University Press of Virginia, 1977.

Van Horne, John C., ed. *The Correspondence of William Nelson as Acting Governor of Virginia, 1770-1771*. Charlottesville: The University Press of Virginia, 1975.

### **Monographs**

Bailey, G.S. *The Trials and Victories of Religious Liberty in America*. Philadelphia: The American Baptist Publication Society, 1876.

Eckenrode, H.J. *Separation of Church and State in Virginia*. Virginia State Library. Richmond, 1910.

Malbin, Michael J. *Religion and Politics: The Intentions of the Authors of the First Amendment*. Washington: American Enterprise Institute, 1978.

McIlwaine, Henry R. *The Struggle of Protestant Dissenters for Religious Toleration in Virginia*. Johns Hopkins University Studies, Historical and Political Science, 12<sup>th</sup> Ser., IV. Baltimore: The Johns Hopkins Press, April 1894.

*Observations on Mr. Wesley's Second Calm Address, and Incidentally on Other Writings upon the American Question*. London, 1777.

Priestley, Joseph. *An Address to Protestant Dissenters of All Denominations on the Approaching Election of Members of Parliament with respect to the State of Public Liberty in General, and of American Affairs in Particular*. London, 1774. *Eighteenth Century Collections Online*. Gale Group. <http://galenet.galegroup.com/servlet/ECCO>.

Thom, William Taylor. *The Struggle for Religious Freedom in Virginia: The Baptists*. Johns Hopkins University Studies, Historical and Political Science, Nos. 10-11-12, Series XVIII. Ed. by Herbert B. Adams. 1900 Reprint ed. New York: Johnson Reprint Corporation, 1973.

Thomas, David. *The Virginian Baptist*. Baltimore: Enoch Story, 1774. Early American Imprints, Series 1, no. 13651 (filmed).

### Newspapers

*London Magazine* XLIV (October, 1775), 483.

*Religious Herald*, April 6, 1871.

*Virginia Gazette* (Clarkson & Davis), multiple editions.

*Virginia Gazette* (Dixon & Hunter), multiple editions.

*Virginia Gazette* (Dixon & Nicholson), multiple editions.

*Virginia Gazette* (Pinkney), August 31, 1776.

*Virginia Gazette* (Purdie), multiple editions.

*Virginia Gazette* (Purdie & Dixon), multiple editions.

*Virginia Gazette* (Rind), multiple editions.



*Virginia Gazette or American Advertiser*, multiple editions.

*Virginia Gazette and Weekly Advertiser*, multiple editions.

*Virginia Journal and Alexandria Advertiser*, multiple editions.

### Other

American Papers of the Society for the Propagation of the Gospel. Vol. X. Lambeth Palace Library, London (microfilm).

Barbour, Honourable John S. "Oration of the Life, Character, and Services of James Madison." Culpeper Courthouse, July 18, 1836.

"A brief View of the State of the Church in the British Colonies." American Ecclesiastic Affairs. Lambeth Palace Library, London. Virginia Colonial Records Project. Reel 608: 109-29.

*Calendar of Virginia State Papers and Other Manuscripts*. Vol. II. 1881. Reprint, New York, 1968.

Caroline County Order Book, 1768 – 1769. Facsimile. Heritage Center, Fredricksburg, VA.

Correspondence, Commander in Chief, 1779 –, C.O. 5/174. National Archives, London.

Delaware Constitution, Art. 22 (1776).

Early Virginia Religious Petitions. [www.memory.loc.gov/ammem/collections/petitions/](http://www.memory.loc.gov/ammem/collections/petitions/).

Edwards, Morgan. *Materials Towards a History of the Baptists in the Provinces of Maryland, Virginia, North Carolina, South Carolina, Georgia*. Vol. III. 1772. Microfilm. Special Collections, University of Virginia, Charlottesville, VA.

Georgia Constitution, Art. LVI (1777).

Hall, Wilmer L., ed. *Executive Journals of the Council of Colonial Virginia*. Vol. V (Nov. 1, 1739-May 7, 1754). Richmond: The Virginia State Library, 1945.

Hening, William Waller, ed. *The Statutes at Large, Being a Collection of all the Laws of Virginia from the First Session of the Legislature in the Year 1619*. Vols. III, VII, VIII, IX, X, XI, XII. Heritage Books, Inc., CD-ROM #0878. 2003.

*Journals of the Continental Congress, 1774-1789*. Vol. 1.  
<http://memory.loc.gov/ammem/amlaw/lwjc.html>.

*Journal of the House of Burgesses*. Multiple volumes. Heritage Book, Inc., CD-ROM #1547, ISBN 0-7884-1547-6. 2000.

*Journal of the House of Delegates*. Multiple volumes. Early American Imprints, Series I: Evans, 1639-1800.

*Journal of the Senate of the Commonwealth of Virginia; begun and held in the City of Richmond, On Monday, the 17<sup>th</sup> day of October, in the year of our Lord Christ, 1785*. Richmond: Thomas W. White, 1827.

Kennedy, John Pendleton, ed. *Journals of the House of Burgesses of Virginia, 1761-1765*. Richmond, 1907.

*Manifesto and Proclamation*, by the Earl of Carlisle, Sir Henry Clinton and William Eden (the Carlisle Commission) (October 3, 1778). Early American Imprints, Series 1, no. 15832 (filmed).

Maryland Declaration of Rights, Art. 33 (1776).

Massachusetts Constitution, Art. 3 (1780).

*Meherrin Baptist Meeting Book (1771-1884)*. Virginia Baptist Historical Society. University of Richmond, Richmond, VA.

*Minute Book of Hartwood Baptist Church, 1775-1861*. Virginia Baptist Historical Society. University of Richmond, Richmond, VA.

New Hampshire Constitution, Arts. 5, 6 (1784).

New Jersey Constitution, Art. 19 (1776).

New York Constitution, Arts. 38, 42 (1777).

North Carolina Constitution, Art. 32 (1776).

Pennsylvania Constitution, Sec. 10 (1776).

Ryland, Garnett. "James Ireland": An address delivered at the Unveiling of the Monument to James Ireland, May 20, 1931, Berryville, Clarke County, VA." Richmond: Virginia Baptist Historical Society, 1931.

South Carolina Constitution, Arts. 3, 12 (1778).

Virginia Colonial Record Project. Public Records Office Class C.O.5/98, Military Despatches [sic] with enclosures from General Clinton, reel 66, SR430.

———. Public Records Office Class C.O.5/94, Military Despatches [sic] with enclosures from General Howe, reel 66, SR427.

Virginia Executive Communications, Letters and returns, 1781, November 26, Call #36912. Library of Virginia, Richmond, VA.

Virginia General Assembly, House of Delegates, Rough Bills, Resolutions, Etc., Rough Bills, 11/1784 – 12/1785, Resolutions 11/1784 – 1/1786, Box 9. Library of Virginia, Richmond, VA.

Virginia General Assembly, House of Delegates, Speaker, Executive Communications, Letters and returns, 1781 November 26, Accession 36912, State government records collection. Library of Virginia, Richmond, VA.

Wilson, Howard McKnight, ed. *Records of the Synod of Virginia, Presbyterian Church in the United States*. Microfilm, Reel P278a. Richmond: Synod of Virginia, 1970. Union Theological Seminary, Richmond, VA.