

A

MEMORIAL

AND

REMONSTRANCE,

Presented to the

GENERAL ASSEMBLY,

Of the STATE of

VIRGINIA,

At their Session in 1785,

In consequence of a Bill brought into that  
Assembly for the

Establishment of RELIGION

By LAW.

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REPRINTED at WORCESTER, *Massachusetts,*

BY ISAIAH THOMAS,

MDCCLXXXVI.

From THOMAS'S MASSACHUSETTS SPY,

MR. THOMAS,

The following ADDRESS is said to have had great influence on opinions and sentiments in the government where it was first published. The copy was begged of a friend, that it might find a place in your paper. I am not sure that it will please, or even be read. In it the rights of conscience and religious privileges are so clearly stated, and with so much ingenuity and ability contended for, as to merit not only the Printer's notice, but the deliberate perusal of every sober man.— Truth is uniformly the same in all places and at all times, in Virginia and the Massachusetts, but may not meet the same favourable reception. Reasons that have swayed the legislature of a neighbouring government would be thought to deserve some consideration. The question discussed has long since divided the world, and is seriously interesting to the Christian, the Citizen, and the Politician. Let each one for himself, compare with attention, and weigh with caution, the combined force of every argument. Let him decide with fairness, and with firmness abide the result. If the observation be weak, or the argument inconclusive, let them be exposed—let them be answered. If they enlighten, if they convince, let truth, divine truth prevail, and have for its advocates, of every denomination, the great and the good.

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*From the VIRGINIA GAZETTE.*

To the Honourable the GENERAL ASSEMBLY of the COMMONWEALTH of VIRGINIA.

*A MEMORIAL and REMONSTRANCE.*

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

**BECAUSE,** We hold it for a fundamental and undeniable truth, "That religion, or the duty which we owe to our Creator, and the manner of discharging it, can be directed only by reason and conviction, not by force or violence.\*" The religion then of every man must be left to the conviction and conscience of every man; and it is the right of every man to exercise it as these may dictate. This right is in its nature an unalienable right. It is unalienable; because the opinions of men, depending only on the evidence contemplated by their own minds, cannot follow the dictates of other men: It is un-

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\* Declaration of Rights, Art. XVI.

alienable also ; because what is here a right towards men, is a duty towards the Creator. It is the duty of every man to render to the Creator such homage, and such only, as he believes to be acceptable to him ; this duty 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, who enters into any subordinate association, must always do it with a reservation of his duty to the general authority, much more must every man who becomes a member of any particular 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. True it is, that no other rule exists, by which any question which may divide a society, can be ultimately determined, but the will of the majority ; but it is also true, that the majority may trespass on the rights of the minority.

Because, If religion be exempt from the authority of the society at large, still less can it be subject to that of the legislative body. The latter are but the creatures and vicegerents of the former. Their jurisdiction is both derivative and limited. It is limited with regard to the co-ordinate departments ; more necessarily is it limited with regard to the constituents. The preservation of a free government requires, not merely that the metes and bounds which separate each de-

partment of power be invariably maintained, but more especially, that neither of them be suffered to overleap the great barrier which defends the rights of the people. The rulers who are guilty of such an encroachment, exceed the commission from which they derive their authority, and are tyrants. The people who submit to it are governed by laws made neither by themselves, nor by an authority derived from them, and are slaves.

Because, It is proper to take alarm at the first experiment on our liberties. We hold this prudent jealousy to be the first duty of citizens, and one of the noblest characteristics of the late revolution. The freemen of America did not wait until usurped power had strengthened itself by exercise, and entangled the question in precedents. They saw all the consequences in the principle, and they avoided the consequences by denying the principle. We revere this lesson too much soon to forget it. 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 Christians, in exclusion of all other sects? That the same authority which can force a citizen to contribute three-pence only of his property for the support of any one establishment, may force him to conform to any other establishment, in all cases whatsoever.

Because, The bill violates that equality which ought to be the basis of every law; and which is more indispensable, in proportion as the validity or expediency of any law is more liable to be impeached. If "all men are by nature equally free and indepen-

dent,†” all men are to be considered as entering into society on equal conditions, as relinquishing no more, and therefore retaining no less, one than another, of their rights. Above all are they to be considered as retaining an “*equal* title to the free exercise of religion, according to the dictates of conscience.‡” Whilst we assert for ourselves a freedom to embrace, to profess, and to observe the religion which we believe to be of divine origin, we cannot deny an equal freedom to those, whose minds have not yet yielded to the evidence which has convinced us. If this freedom be abused, it is an offence against God, not against man : To God therefore, not to men, must an account of it be rendered. As the bill violates equality by subjecting some to peculiar burdens, so it violates the same principle, by granting to others peculiar exemptions. Are the Quakers and Menonists the only sects who think a compulsive support of their religions unnecessary and unwarrantable ? Can their piety alone be intrusted with the care of publick worship ? Ought their religions to be endowed, above all others, with extraordinary privileges, by which profelytes may be enticed from all others ? We think too favourably of the justice and good sense of these denominations, to believe, that they either covet pre-eminences over their fellow-citizens, or that they will be seduced by them, from the common opposition to the measure.

Because, The bill implies, either that the civil magistrate is a competent judge of religious truth ; or that he may employ religion

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† Declaration of Rights, Article I.

‡ Article XVI.

as an engine of civil policy. The first is an arrogant pretension, falsified by the contradictory opinion of rulers in all ages, and throughout the world : The second an unhallowed perversion of the means of salvation.

Because, The establishment proposed by the bill is not requisite for the support of the Christian religion. To say that it is, is a contradiction to the Christian religion itself ; for every page of it disavows a dependence on the powers of this world : It is a contradiction to fact ; for it is known that this religion both existed and flourished, not only without the support of human laws, but in spite of every opposition from them ; and not only during the period of miraculous aid, but long after it had been left to its own evidence, and the ordinary care of Providence : Nay, it is a contradiction in terms ; for a religion not invented by human policy, must have pre-existed and been supported, before it was established by human policy. It is moreover to weaken in those who profess this religion, a pious confidence in its innate excellence, and the patronage of its author ; and to foster in those who still reject it, a suspicion, that its friends are too conscious of its fallacies, to trust it to its own merits.

Because, Experience witnesseth, that ecclesiastical establishments, instead of maintaining the purity and efficacy of religion, have had a contrary operation. During almost fifteen centuries, has the legal establishment of Christianity been on trial. What have been its faults ? More or less in all places, pride and indolence in the clergy ; ignorance and servility in the laity ; in both, superstition, bigotry, and persecution. Inquire of

the teachers of Christianity for the ages in which it appeared in its greatest lustre ; those of every sect point to the ages prior to its incorporation with civil policy. Propose a restoration of this primitive state, in which its teachers depended on the voluntary rewards of their flocks ; many of them predict its downfall. On which side ought their testimony to have greatest weight, when for, or when against their interest ?

Because, The establishment in question is not necessary for the support of civil government. If it be urged as necessary for the support of civil government, only as it is a means of supporting religion ; and it be not necessary for the latter purpose, it cannot be necessary for the former. If religion be not within the cognizance of civil government, how can its legal establishment be said to be necessary to civil government ? What influence, in fact have ecclesiastical establishments had on civil society ? In some instances they have been seen to erect a spiritual tyranny on the ruins of the civil authority ; in many instances they have been seen upholding the thrones of political tyranny ; in no instance have they been seen the guardians of the liberties of the people. Rulers who wished to subvert the publick liberty, may have found an established clergy, convenient auxiliaries. A just government, instituted to secure and perpetuate it, needs them not. Such a government will be best supported by protecting every citizen in the enjoyment of his religion, with the same equal hand, which protects his person, and his property ; by neither invading the equal rights of any sect ; nor suffering any sect to invade those of another.



Because, The proposed establishment is a departure from that generous policy; which, offering an asylum to the persecuted and oppressed of every nation and religion, promised a lustre to our country, and an accession to the number of its citizens. What a melancholy mark is the Bill of sudden degeneracy? Instead of holding forth an asylum to the persecuted, it is itself, a signal of persecution. It degrades from the equal rank of citizens all those whose opinions in religion do not bend to those of the Legislative Authority. Distant as it may be, in its present form, from the Inquisition, it differs from it only in degree. The one is the first step, the other the last, in the career of intolerance. The magnanimous sufferer under this cruel scourge in foreign regions, must view the Bill as a beacon on our coast, warning him to seek some other haven, where liberty and philanthropy, in their due extent, may offer a more certain repose from his troubles.

Because, It will have a like tendency to banish our citizens. The allurements presented by other situations are every day thinning their number. To superadd a fresh motive to emigration, by revoking the liberty which they now enjoy, would be the same species of folly, which has dishonoured and depopulated flourishing kingdoms.

Because, It will destroy that moderation and harmony which the forbearance of our laws to intermeddle with religion, has produced among its several sects. Torrents of blood have been spilt in the old world, by vain attempts of the secular arm to extinguish religious discord, by proscribing all differences in religious opinion. Time has at length revealed the true remedy. Every relaxat<sup>ion</sup> in

of narrow and rigorous policy, wherever it has been tried, has been found to assuage the disease. The American theatre has exhibited proofs, that equal and complete liberty, if it does not wholly eradicate it, sufficiently destroys its malignant influence on the health and prosperity of the State. If, with the salutary effects of this system under our own eyes, we begin to contract the bounds of religious freedom, we know no name that will too severely reproach our folly. At least let warning be taken at the first fruits of the threatened innovation. The very appearance of the Bill has transformed "that Christian forbearance, love and charity," which of late mutually prevailed, into animosities and jealousies, which may not soon be appeased. What mischiefs may not be dreaded, should this enemy to the publick quiet, be armed with the force of a law?

Because, The policy of the Bill is adverse to the diffusion of the light of Christianity. The first wish of those who enjoy this precious gift, ought to be that it may be imparted to the whole race of mankind. Compare the number of those who have as yet received it, with the number still remaining under the dominion of false religions; and how small is the former? Does the policy of the Bill tend to lessen the disproportion? No: It at once discourages those, who are strangers to the light of revelation from coming into the region of it; and countenances, by example, the nations who continue in darkness, in shutting out those who might convey it to them. Instead of levelling as far as possible, every obstacle to the victorious progress of truth, the Bill, with an ignoble and unchristian timidity, would circumscribe it, with a

wall of defence, against the encroachments of error.

Because, Attempts to enforce by legal sanctions, acts obnoxious to so great a proportion of citizens, tend to enervate the laws in general, and to slacken the bands of society. If it be difficult to execute any law which is not generally deemed necessary or salutary, what must be the case, where it is deemed invalid and dangerous? And what may be the effect of so striking an example of impotency in the government, on its general authority?

Because, A measure of such singular magnitude and delicacy ought not to be imposed, without the clearest evidence that it is called for by a majority of citizens: And no satisfactory method is yet proposed, by which the voice of the majority in this case may be determined, or its influence secured. "The people of the respective counties are indeed requested to signify their opinion respecting the adoption of the Bill to the next session of Assembly." But the representation must be made equal, before the voice either of the Representatives, or of the counties, will be that of the people. Our hope is that neither of the former will, after due consideration, espouse the dangerous principle of the Bill. Should the event disappoint us, it will still leave us in full confidence that a fair appeal to the latter will reverse the sentence against our liberties.

Because, Finally, "The equal right of every citizen to the free exercise of his religion according to the dictates of conscience," is held by the same tenure with all our other rights. If we recur to its origin, it is equally the gift of nature; if we weigh its impor-

tance, it cannot be less dear to us ; if we consult the “ declaration of those rights which pertain to the good people of Virginia, as the basis and foundation of government,\*” it is enumerated with equal solemnity, or rather studied emphasis. Either then we must say, that the will of the Legislature is the only measure of their authority, and that in the plenitude of this authority, they may sweep away all our fundamental rights ; or that they are bound to leave this particular right untouched and sacred : Either we must say, that they may controul the freedom of the press, may abolish the trial by jury, may swallow up the Executive and Judiciary Powers of the State ; nay, that they may despoil us of our very right of suffrage, and erect themselves into an independent and hereditary Assembly ; or we must say, that they have no authority to enact into law the Bill under consideration. We the Subscribers say, that the General Assembly of this Commonwealth have no such authority : And that no effort may be omitted on our part against so dangerous an usurpation, we oppose to it this remonstrance ; earnestly praying, as we are in duty bound, that the Supreme Lawgiver of the Universe, by illuminating those to whom it is addressed, may on the one hand, turn their councils from every act which would affront his holy prerogative, or violate the trust committed to them : And on the other, guide them into every measure which may be worthy of his blessing, may redound to their own praise, and may establish more firmly the liberties, the prosperity and the happiness of the Commonwealth.

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\* Preamble to the Declaration of Rights.

The following Act was passed by the General Assembly of Virginia after the presentment of the preceding *Memorial and Remonstrance*.

*From the VIRGINIA GAZETTE.*

*An ACT for establishing RELIGIOUS FREEDOM.*

**W**HEREAS Almighty God hath created the mind free; that all attempts to influence it by temporal punishments or burthens, or by civil incapacitations, tend only to beget habits of hypocrisy and meanness, and are a departure from the plan of the Holy Author of our religion, who, being Lord both of body and mind, yet chose not to propagate it by coercions on either, as was in his Almighty power to do; that the impious 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 endeavouring 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, is sinful and tyrannical; that even the forcing him to support this or that preacher of his own religious persuasion, is depriving him of the comfortable liberty of giving his contributions to the particular pastor whose morals he would make his pattern, and whose powers he feels most persuasive to righteousness, and is withdrawing from the ministry those temporal rewards, which, proceeding from an approbation of their personal conduct, are an additional incitement to earnest and unremitting labours for the instruction of mankind; that our civil rights have no dependence on our religious opinions, any more than our opinions in physick or geometry; that therefore the proscribing any citizens as unworthy the publick 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 him injuriously of those privileges and advantages to which in common with his fellow citizens he has a natural right; that it tends only to corrupt the principles of that religion it is meant to encourage,

by bribing, with a monopoly of worldly honours and emoluments, those who will externally profess and conform to it ; that though indeed those are criminal who do not withstand such temptation, yet neither are those innocent who lay the bait in their way ; 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 fallacy, which at once destroys all religious liberty, because he being of course judge of that tendency will make his opinions the rule of judgment, and approve or condemn the sentiments of others only as they shall square with or differ from his own ; that it is time enough for the rightful purposes of civil government for its officers to interfere when principles break out into overt acts against peace and good order ; and finally, that truth is great and will prevail if left to herself, that she is the proper and sufficient antagonist to error, and has nothing to fear from the conflict, unless by human interposition disarmed of her natural weapons, free argument and debate, errors ceasing to be dangerous when it is permitted freely to contradict them :

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

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 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 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.

