

**Religious Freedom In Early Virginia**  
**A Brief Historical Overview**

By

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*The opinions presented in this paper are strictly those of the author and do not necessarily represent the opinions of the Master and Wardens of the A. Douglas Smith Jr., Lodge of Research #1949 or the official views of the Grand Lodge of Ancient Free and Accepted Masons of Virginia.*



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Brethren, I selected this subject for several reasons. This paper is intended as somewhat of a follow-on to the paper on Catholicism and Freemasonry addressed by Brother Hawkins last year. I had thought that Brother Wagner was going to do a follow-up on that subject also and look forward to his paper in the future.

I selected this topic also because I had ancestors very directly involved in the issue in colonial Virginia and because of the many current issues of church-state separation being raised in our Commonwealth today. We very recently had bills being introduced and heatedly debated before passage that would permit a “minute of silence” in each school. Now that law has passed and the courts have upheld it. We have an issue regarding signs in schools saying, “In God We Trust”, and on the national scene, the debate over the President’s proposed support of faith-based organizations. Voluntary student prayer at athletic events and Christmas scenes in Courthouse squares, even the appearance of the Ten Commandments in Courthouses, have been the topics of argument and court cases in a number of states.

The issue of the terrorist attacks and our war in Afghanistan, which may spread to other Islamic countries, make this a particularly hot issue today as regards our Islamic population.

I selected a historical perspective for my paper for several purposes: (1) to provide some background for our current newspaper headline discussions of separation of church and state, (2) to give a nod to Masonic custom and law not to discuss religion in Lodge from a perspective of advocacy, and (3) because I find history fascinating. I certainly plan scrupulously to avoid any advocacy or discussions of the relative merits of various religions, especially in light of the current heat surrounding this subject.

The Commandery at Fredricksburg annually recognizes Religious Freedom Day with a public procession of marching uniformed Knights Templar, accompanied by uniformed Knights of Columbus to the Freedom of Religion Monument in Fredericksburg. The procession is followed by a joint Knight Templar – Knights of Columbus dinner with a speaker. I applaud this public recognition by both organizations of this hard-won freedom. In my mind, this support for freedom of religion does not imply an acceptance by either group of the other’s beliefs or religion, only a support for the right for each group to worship in their own way.

Many school children probably gain the impression, especially around Thanksgiving, that people who had been persecuted for their religion in Europe, such as the Puritans, fled to the New World and achieved religious freedom. Unfortunately for those immigrants, it was not that easy in most colonies, including Virginia.

My ancestor, John Pleasants, a planter in the Curles Neck area of Henrico, and his wife Jane were fined 240 of pounds of tobacco each for illicit cohabitation, (the usual currency for such purposes in that tobacco economy), for not having been married in the Church of England; 20 pounds each for each month they did not attend the Church of England, 2000 pounds each for not having their children baptized in the Church of England and 500 pounds for allowing Quaker services in their home. This was in 1682. In addition to the fines assessed, the ruffians of the community felt free to steal their livestock and furnishings since they were considered “outside the protection of the law”. The passage in England of the Declaration of Liberty of Conscience and Indulgence in Religious Matters in 1687 and the Toleration Act of 1688 enabled them to escape paying the fines when they were able to appeal to the Lords of Trade who issued an injunction against the fines which were then annulled by Lord Culpepper.

My Acuff ancestors in Caroline County were also persecuted for being Baptists. One of the Baptist Ministers had a riding crop stuck down his throat and another was stuck down an outhouse for preaching at a farmhouse on a Sunday. Later, on October 17, 1787, an Acuff collateral ancestor of mine in Buckingham County was involved in petitioning the Assembly for recovery of the property of the post-Revolutionary War Episcopal Church glebe that had been originally bought, using public moneys, for the benefit of the Church of England Parish to support the Rector.

How did this all come about? When the first English settlers came to Virginia's shores, they brought the Church of England and its clergymen with them. Although there was no Bishop in Virginia and the Churches were under the Bishop of London, they organized in the same manner as the Churches in the Mother Country. Their elected vestrymen were both Church and civil officials who maintained the roads and enforced the Church and civil laws. Tax revenues supported the provision of land, called a "glebe" for the support of each Church Rector, at least in well-to-do and populace areas. The clergy salaries were fixed by the Assembly and collected by the Sheriff for the vestrymen. Quakers, Baptists, Presbyterians, Methodists, and Mennonites, all called "dissenters", were a small minority of the populace initially and had no effective voice in the Assembly to enable them to prevent being taxed to support the Church of England against their will.

The vestrymen, elected by only the members of the Church, ran the communities, took care of the poor, and assessed penalties against the sinful. These penalties often included public lashing of women as well as men. Many African Americans quite naturally shrink from memories of the Caroline County lashing scenes from Alex Hailey's series "Roots" but may not realize that this was a common form of punishment in colonial Virginia for whites as well. The state, as well as the Church, took a very dim view of bastardy because it would increase the poor wards to be supported by the community, and twenty lashes to the bare back of the Mother was considered an appropriate deterrent. The father, if he could be identified, and if he had any money or property, was usually fined.

The College of William and Mary, the first and only school for higher education in Virginia, was formed for the purpose of producing clergy in Virginia for the Church of England as most of the best of the English clergy were not generally inclined to give up their sinecures in England to risk the unknown in the wilds of Virginia. There was a dynamic tension, nonetheless, between the lay members and the clergy over such things as the emoluments of the position and the quality standards of the clergymen. As the price of tobacco fluctuated a great deal, the value of the payment in pounds of tobacco to the clergy varied proportionately and at one point, there was almost a clerical rebellion when the Assembly cut their pay.

At the same time, more dissenters were coming to Virginia and evangelists from other colonies occasionally got into the state to proselytize. One of the conservative Harrison family, (best noted for William Henry Harrison), complained that the worst event that God had let befall Virginia was to let dissenters in. The Assembly received annual petitions from Baptists, Presbyterians and Methodists asking for protection from religious persecution.

The Revolutionary War disrupted the ties with the Church of England and its Bishop and involved some changes in the standard liturgy that contained prayers for the monarch. The patriots, as you might imagine, took serious objection to those prayers for King George III. The conservative, landed aristocrats tended to be Tories and wanted no liturgical changes. Many of them were forced to return to England or to quiet their advocacy for fear of being harmed in person or property or both.

In May of 1776 Edmund Randolph, President of a Convention to revise the Virginia Government in light of the changed conditions during the Revolution, appointed a Committee to draw up a Declaration of Rights. The Committee was Chaired by Archibald Cary and composed of Robert Carter Nicholas, Patrick Henry, Edmund Randolph, George Mason, and, eventually, James Madison. Colonel Mason took the lead in preparing the document. The Preamble included the words, "... all men are naturally free and independent..." The Sixteenth Article built upon this assertion and dealt with religion including the words, "... all men should

enjoy the fullest toleration in the exercise of religion.” Madison amended this to read, “... all men are equally entitled to the free exercise of religion.” Reasoning that if only toleration was required, the Legislature would assume the power to bestow or withhold it. Madison also got Patrick Henry to sponsor an amendment to say, “... and therefore no man or class of men ought on account of religion to be invested with peculiar emoluments or privileges, nor be subjected to any penalties or disabilities.” This aroused the conservatives and, in spite of Henry’s famous eloquence in its behalf, the amendment was defeated. The Article, as finally approved, stated, “That religion or 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, and therefore all men are equally entitled to the free exercise of religion according to dictates of conscience; and that it is the mutual duty of all to protect Christian forbearance, love and charity toward each other.”

These beautiful sentiments were accepted by the Assembly but their enforcement throughout the Commonwealth was still lacking. While the War took the attention of the Assembly and less time was spent on debating freedom of religion issues until after the War was won, there were many petitions submitted by the so-called dissenters to the Assembly to ease their taxation burden for support of the now-named Episcopal Church that had superseded the Church of England as possessor of its Churches and Glebes. They also petitioned to have their marriages and baptisms outside of the Episcopal Church recognized by the state. These debates were renewed in full force after the War was won and continued heatedly until 1787. In the Assembly, Patrick Henry very ably continued to lead the debate favoring religious freedom. When he was elected Governor and was thereby removed from the Assembly, the conservatives believed his position would fail. James Madison and Patrick Henry had taken very opposite positions regarding the assessment of public taxpayers for the support of religions even after the proposed statute was written to permit the funds to be allocated to the Church of their choice.

However, the numbers of dissenters in the Commonwealth had greatly increased and they had become a stronger political force. James Madison, a minister by education himself, very ably picked up

the banner of the religious freedom cause and succeeded in leading passage of the Religious Freedom Act on January 19, 1787, just before the session adjourned. Although Madison was a minister by education, politics held a greater fascination for him and many Madison scholars believe he was a Deist. He had witnessed the harsh persecution of his Baptist neighbors and felt revulsion for the persecutors. He, almost alone in that era, came to believe that religion was not an essential fundamental support for good citizenship.

However, even with passage of the Religious Freedom Act, many issues still existed and it was the next year in 1788 that Madison was able to gain enough votes to repeal the law enacting the state incorporation of the Episcopal Church. In order to bring the increased numbers of Presbyterians, Methodists and Baptists into the Republican Party, Madison was then able to obtain passage of a bill to return the Glebes to the public, the remedy for which my Acuff ancestor had petitioned. Thus, the thorny Glebe question was ultimately settled for political, rather than for religious or philosophical, reason.

I spoke at the outset about the Knights Templar and the Knights of Columbus of Fredericksburg celebrating Religious Freedom together. I have not spoken of the treatment of the Catholics in early Virginia. According to the historical marker in place, the ruins of the first Catholic Church in Virginia, which I believe was built in the 17th Century, are on the side of U.S. Route 1 near Aquia. The outline of the church foundation is still in place. The question about Virginia Catholics has its larger context in the story of the English reformation: plenty of English men and women chose not to adopt Protestantism when Henry VIII broke with the Pope - they were called “recusants”. Some people of conscience surrendered their lives rather than abjure their faith. Several monarchs were closeted (e.g., James I?) or open (e.g., James II) Catholics. It is the issue that drove the exclusion crisis in the late 1600s, triggered the Revolution of 1688-89 and brought in the protestant William of Orange followed by the protestant Hanoverians. In politics, the question was one of allegiance in an age of monarchy with its contention that political stability demanded one faith and one king. (Hence the Test Act and the taking of communion as pre-requisites for holding office in both England and Virginia. The justification was that if you could swear allegiance to the King and

take communion in an Anglican church, you could not simultaneously be loyal to the Pope so you were, in essence, vouched safe for participation in public office.) There were Catholic-leaning Virginians (and at least one Spanish spy) at Jamestown, although they may have kept their religion secret, and there were Jesuits in mission to the American Indians on the Chesapeake in the 1580s. Like all aspects of early Virginia religious history, there is much research to be done (and much sound existing scholarship that awaits rediscovery). The real context for this, no less than for Virginia's early neighbors to the North, is the broad aftermath of the Reformation, about which there is a vast literature. With regard to the historical issue of Catholic religious freedom in Virginia, I received the following from Jon Kukla, the historian of the Patrick Henry Foundation at Red Hill, Virginia.

*As Frederick county shows, people were being asked to deny a central Roman Catholic doctrine of transubstantiation as proof of their Protestantism. You don't have to scratch very deeply in 17th or 18th-century English politics to find contention over the issue of Roman Catholicism. The whole revolution of 1688-89 and all of its implications for subsequent American history and constitutionalism turned in large measure on the need to find and justify a Protestant monarch with Stuart lines (William of Orange) after James II inconveniently had a son and heir who would be raised in the Catholic faith and therefore would cause problems. That was real politick, too.*

He also commented on the religious freedom of Presbyterians.

*I think people are unaware that, for example, Peyton Randolph as attorney general at mid century was busily harassing Presbyterians in Virginia. Trinterude's study of the Old Light-New Light clash within Presbyterianism -- Forming of an American Tradition -- is also important, although in grad school I remember it as almost unreadably detailed.*

*Some of you may recall the post-September 11th article in the Washington Post of October 16th which outlined the attitudes of young Muslim students in Muslim schools in our area. Many of*

*them said they could not support the United States in any hostile actions against Islamic peoples. This was one of the reasons that the colonists gave for punishing Quakers. My pacifist Quaker ancestors were also fined for not supporting the defense and arming of Williamsburg against the French and Indians and later the English. It is understandable that our citizens who feel threatened by terrorists today are hostile toward anyone whose loyalty to their religion causes them to refuse to defend our country against terrorists in the same manner. Concerns over conflicting loyalties have been present in many U.S. issues. Some of you may know that the failure of Presidential candidate Al Smith in 47 of the then 48 states was largely attributable to concerns about his potential loyalty to the Pope, the same issue that probably reduced John F. Kennedy's winning margin.*

The November 24<sup>th</sup> Washington Post Religion section carried a full page article about the extreme concern of several Evangelical Churches over their leaders appearing in interfaith venues, specifically addressing the "Prayer for America" memorial services for the World Trade Center victims held in Yankee Stadium on September 23<sup>rd</sup>. The 2.6 million-member Lutheran Church-Missouri Synod is embroiled in controversy over whether the organization's new President, the Reverend Gerald B. Kieschnick, should be expelled because he supported and defended a Missouri Synod official who offered a prayer at the Yankee Stadium service. Several ministers of that Church have charged that this violates their Church law against syncretism. The representative of the National Association of Evangelicals, an association of 51 denominations with 43,000 churches was quoted in the article saying, "We take issue not so much with interfaith services but with the impression they leave in the minds of Americans who are confused about the nature of God to begin with. We want it understood that Christians, Buddhists, and Muslims are not praying to the same God. Allah is not Jehovah." Rev. Mark Dever, pastor of Capitol Hill Baptist Church in Northeast Washington said he has not participated in an interfaith service and does not intend to, saying, "I do not want to be seen approving or encouraging prayer to Allah or to a Hindu god. The Allah I know is not at all the same God of the Bible."

I hope that when you read these headlines about heated debates over issues of Church – State separation and religious observances in schools, or about Manger Scenes in the Courthouse yard, or Government use of faith-based charities, you may recall some of this historical perspective and remember that these are not at all new issues of contention within our Commonwealth. We survived far greater divisive debates over religious issues in the 18<sup>th</sup> Century than confront us today and I pray that we will emerge relatively unscathed by those we read about in the newspapers today.

**BIBLIOGRAPHY:**

Address by Dr. James Hutson of the Library of Congress, “James Madison and the Social Utility of Religion; Risks vs. Rewards” at the March 16, 2001 Library of Congress James Madison Symposium

Buckley, Thomas E., S.J.; *Church and State in Revolutionary Virginia 1776 – 1787*; University Press of Virginia, Charlottesville, Virginia; 1977

Buckingham County Archives; *Petition to the Virginia House of Delegates*; October 17, 1787

Eckenrode, H. J.; *Separation of Church and State in Virginia, A Study in the Development of the Revolution*; Virginia State Library; 1910

*The Valentine Papers*; Genealogical Collections of the Virginia State Library, Richmond, Virginia

Virginia History List (internet list server postings sponsored by the Library of Virginia) Digest of 26 March 2001

The Washington Post, November 24, 2001, p. B9, “The Limits of Religious

Unity”; October 16, 2001, pp. B1, B4, “Muslim Students Weigh Issues of Loyalty”

Henrico County Court Records 1682, pp. 135 O.B.

“Calendar of State Papers, America and West Indies” 1681-1685, p. 503