

Site of the first Jamestown church





The church at Jamestown—site of four churches at Jamestown starting in 1617. The current church is the Jamestown Memorial Church, erected in 1907.

LAWS OF VIRGINIA.

No. of the
Acts.*

1. THAT there shall be in every plantation, where the people use to meete for the worship of God, a house or roome sequestred for that purpose, and

And, according to *Smith*, they debated all matters, thought expedient for the good of the colony.—See also *Burk's Hist. Virg.* vol. 1, pa. 203, and notes.

This summer, 1619, were laid off four more corporations, which encreased the number of boroughs having a right to representation to eleven in all: *Stith*, 161.

The acts passed at the general assembly in 1619, were probably a crude, indigested mass, which never received the sanction of the treasurer and company for Virginia, in England; without whose approbation, in a *great and general court*, they could not have the force of laws.

After a careful examination of the ancient records relating to Virginia, the following is the only notice which I have been able to find of these acts.

At "An extraordinary court held the 20th of March, 1620," Ancient Records, vol. 1, pa. 117, towards the close of the proceedings there is this entry: "The acts of the general assembly in Virginia being yet to read, together with a letter which Mr. Yeardeley desireth should be read for the clearing of his brother Sir George Yeardeley, because it was held inconvenient to spend an ordinary court therewith, it was agreed that Monday next in the afternoon should be appointed for that purpose.

"At an imperfect court held for Virginia at Sir Edwin Sandys' house, 8th of April, 1620," ancient records, vol. 1, pa. 118, "Mr. Treasurer," (Sir Edwin Sandys,) "signified that having perused the acts of the general assembly, he found them in their greatest part to be very well and judiciously carried and performed, but because they are to be ratified by a *great and general court*, therefore he hath writ unto them that till then they cannot be confirmed; but in the mean time he moved that a select committee of choice men might be appointed to draw them into head, and to ripen the business that it might be in readiness against the said court."

A committee was thereupon appointed, consisting of eight members, four of the council, and four of the *generality*, as they were termed, to meet at a future day then assigned, with power to adjourn from day to day.

At a subsequent meeting, another member was added to the committee, and the proceedings of the "imperfect court," were confirmed. Ancient Records, vol. 1, pa. 132.

And "At a preparative court, held May 15th 1620;" Ancient Records, vol. 1, pa. 135, there is the following entry.

"For the committee chosen for the acts of the General Assembly, Mr. Treasurer signified that they had taken extraordinary pains therein, but forasmuch as they were exceeding intricate and full of labour, he in their behalf desired the court to dispense with them till the quarter court in midsummer term, which will be about six weeks hence, which the court with many thanks unto the committee for their great pains willingly assented unto."

No mention is made of these acts, at the next quarter court, or in any subsequent part of the proceedings.

* The acts of this session are numbered, in the margin, as they are here printed. I have observed the same form, not only because I

MARCH, 1623-4—21st JAMES 1st.

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not to be for any temporal use whatsoever, and a place empaled in, sequestered only to the buryal of the dead.

House of
worship.

2. That whosoever shall absent himselfe from divine service any Sunday without an allowable excuse shall forfeite a pound of tobacco, and he that absenteth himselfe a month shall forfeit 50lb. of tobacco.

Penalty
for being
absent
from
church on
Sunday.

3. That there be an uniformity in our church as neere as may be to the canons in England; both in substance and circumstance, and that all persons yeild readie obedience unto them under paine of censure.

To be an
uniformity
in the doc-
trine and
discipline
of the
church.

4. That the 22d of March* be yeerly solemnized as holliday, and all other hollidays (except when they fall two together) betwixt the feast of the annuntiation of the blessed virgin and St. Michael the archangell, then only the first to be observed by reason of our necessities.

The 22d
of March
to be ob-
served as
a holiday.

5. That no minister be absent from his church above two months in all the yeare upon penalty of forfeiting halfe his means, and whosoever shall absent

Penalty on
ministers
absenting
them.

think the original should be imitated as nearly as possible, but because, in all the subsequent acts, for a series of years, the former laws are referred to by the number of the act and not by the chapter. In the infancy of our legislation, there was no such thing as a division of the several acts by chapters.

It may not be improper to remark, that, in the course of this work, I shall preserve both the *arrangement* and *orthography* of the originals as far as practicable. I cannot well conceive any thing more improper than to give an ancient paper in a modern dress. Besides the suspicions, which are naturally excited, that the paper is spurious, we are deprived of an opportunity of tracing those gradual changes in language, from rudeness to refinement, which are observable in the progress of civilization in all nations. If it were possible I would give a *fac simile* of the hand writing. But this cannot be done. The most remarkable deviations from the modern characters, in the acts of this session, are, that the small "c" nearly resembles the letter "o" with a horizontal cross near the top;—the small "s" is exactly like the small round Greek sigma, with a circumflex proceeding from the top.

* This was in commemoration of the escape of the colony from entire extirpation by the fatal massacre of the Indians on the 22d of March, 1622. See *Burk's Hist. Virg.* vol. 1, p. 240.

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LAWS OF VIRGINIA.

selves
from their
church.

above fowre months in the year shall forfeit his whole means and cure.

Penalty
for dispa-
raging a
minister.

6. That whosoever shall disparage a minister without bringing sufficient prooffe to justify his reports whereby the mindes of his parishioners may be alienated from him, and his ministry prove the less effectual by their prejudication, shall not only pay 500lb. waight of tobacco but also aske the minister so wronged forgiveness publickly in the congregation.

Ministers
to be satis-
fied before
any tobac-
co disposed
of.

7. That no man dispose of any of his tobacco before the minister be satisfied, upon pain of forfeiture double his part of the minister's means, and one man of every plantation to collect his means out of the first and best tobacco and corn.

Limitation
of the
power of
the Go-
vernor as
to taxes &
imposi-
tions.

8. That the Governor shall not lay any taxes or ympositions upon the colony their lands or comodities other way than by the authority of the General Assembly, to be levied and ymployed as the said Assembly shall appoynt.

Governor
not to
withdraw
the inha-
bitants
from their
labours
for his
own ser-
vice.

9. The governor shall not withdraw the inhabitants from their private labors to any service of his own upon any colour whatsoever and in case the publick service require employments of many hands before the holding a General Assemblée to give order for the same, in that case the levying of men shall be done by order of the governor and whole body of the counsell and that in such sorte as to be least burthensome to the people and most free from partiality.

Certain
old plan-
ters and
their pos-
terity ex-
empted
from mili-
tary ser-
vice.

10. That all the old planters that were here before or came in at the last coming of sir Thomas Gates they and their posterity shall be exempted from their personal service to the wars and any publick charge (church duties excepted) that belong particularly to their persons (not exempting their families) except such as shall be ymployd to command in chief.

or recover-
able except
contracted
for horses,
mares and
sheep.

the collony for money shall be pleadable and recovera-
ble in any courts within the same, The Governour,
Counsell and Burgesses of this present Grand Assem-
bly do hereby confirm the said act, Provided that ac-
cording to an act of Assembly in June 1640, for the en-
couragement of those that are owners of horses, mares,
and sheepe, that all money debts whatsoever made for
any horses, mares, or sheepe shall be pleadable and re-
coverable in any courts within the collony any thing in
the former act made in January 1641 or their said acts
to the contrary notwithstanding.

ACT L.

Barrells to be
sealed VG.

Contents.

Penalty.

Bushels.

WHEREAS at an Assembly in January 1641, It
was enacted that the com'rs. of everie monethly court
respectively should seale all barrells brought vnto them,
when they were therevnto required with this mark VG:
which barrells are to containe five bushells of Winches-
ter measure that is to say fourty gallons and all barrells
so sealed to be allowed of and none others after the
feast of St. John Baptist, next after the publication
hereof, vnder the penaltie of a forfeiture of fourty
pounds of tobacco for everie time such an vusealed
barrell is vsed after the feast aforesaid, And likewise
for bushells vpon the penalty aforesaid, All persons
whatsoever being thereby required to take notice of
this act and accordingly to provide, *This present Grand
Assembly to all intents and purposes doth hereby confirm
the said act.*

ACT LI.

Popish recu-
sants disa-
bled from
holding any
offices.

Or persons
refusing to
take the
oaths of alle-
giance & su-
premacy.

WHEREAS it was enacted at an Assembly in Ja-
nuary 1641, that according to a statute made in the
third year of the reigne of our sovereign Lord King
James of blessed memory, and that no popish recusants
should at any time hereafter exercise the place or pla-
ces of secret councillors, register or commiss: surveyors
or sheriffe, or any other publique place, but be vtterly
disabled for the same, And further it was enacted that
none should be admitted into any of the aforesaid offi-
ces or places before he or they had taken the oath of
allegiance and supremacy, And if any peson or per-
sons whatsoever should by sinister or corrupt meanes

Not "Catholics,"
but rather "Popish
recusants" cannot
hold office in the
colony of Virginia.

This anti-Catholic
sentiment will last
quite a long time

assume to himselfe any of the aforesaid places or any
other publique office whatsoever and refuse to take the
aforesaid oaths, he or they so convicted before an As-
sembly should be dismissed of his said office, And
for his offence therein forfeit one thousand pounds of
tobacco to be disposed of att the next Assembly after
conviction, And it is further enacted by the authoritie
aforesaid that the statute in force against the popish re-
cusants be duely executed in this goverment, And that
it should not be lawfull vnder the penaltie aforesaid for
any popish preist that shall hereafter arrive to remaine
above five days after warning given for his departure
by the Governour or comander of the place where he
or they shall bee, if wind and weather hinder not his
departure, And that the said act should be in force ten
days after the publication thereof, at James City, *this
present Grand Assembly to all intents and purposes
doth hereby confirm the same.*

Popish
priests arriv-
ing to be sent
out of the
collony in 5
days.

ACT LII.

WHEREAS for the more ease of travellers, It was
enacted by the Assembly in Jan. 1641, that all the
countrey respectively provide and maintain fferryes and
bridges and the leavy for payment to the fferryemen to
be made by the comissioners where the fferry is kept,
And where one creeke parts two counties, there each
of them to contribute towards the maintenance of the
said fferryes, and bridges should be built and provided
by the first of September following, And that all pas-
sengers whether strangers or others should be freed
from payment otherwise then by the leavie, And that
the fferryemen should give their due attendance from
sunne rising to sunne setting, *This present Grand As-
sembly to all intents and purposes doth hereby confirme
the same.*

Ferries and
bridges to be
established
and kept at
public ex-
pense.

ACT LIII.

WHEREAS at an Assembly in June 1642, vpon
consideration had of the bad effects that tradeing
and trucking with orphans may in time produce, It
was thought fitt in due time so to provide that for the
future no such bartering or tradeing be at all had with
any orphans, And therefore did enact that what per-

Dealing with
minors pro-
hibited un-
der penalty
of double the
amount.

all affidavits otherwise taken than is herein directed, shall be, to all intents and purposes, null and void.

XXX. That if any person whatsoever shall be summoned as a witness, and upon his or her appearance in the general court, or before the persons appointed to take affidavits, as aforesaid, shall refuse to give evidence upon oath, when thereto lawfully required; then such person so refusing, shall immediately thereupon be committed to the common goal, there to remain without bail or mainprize, until he or she shall be willing to give evidence, upon oath, in such manner as the law now doth, or at any time hereafter shall direct.

Witnesses refusing to depose, to be committed.

XXXI. *Provided always*, That the people commonly called Quakers, shall have the same liberty of giving their evidence, by way of solemn affirmation and declaration, as is prescribed by one act of parliament, *Septima & Octavo Gulielmi Tertii Regis*, intituled, *An act that the solemn affirmation and declaration of the people called Quakers, shall be accepted instead of an oath, in the usual form*; which said act of parliament, for so much thereof as relates to such affirmation and declaration, and for the time of its continuance in force, and not otherwise, shall be, to all intents and purposes, in full force within this dominion. That popish recusants convict, negroes, mulattoes and Indian servants, and others, not being christians, shall be deemed and taken to be persons incapable in law, to be witnesses in any cases whatsoever.

Affirmation of Quakers allowed.

Popish recusants, negroes, Indians, incapable of being witnesses.

Penalty on witnesses failing to attend.

That if any person shall be summoned to attend at the general court as a witness, and shall fail to attend, according to the summons, for every such failure, he or she who shall be guilty thereof, shall forfeit and pay to the party aggrieved, one thousand pounds of good tobacco: to be recovered, with costs, by action of debt, in any court of record within this dominion.

XXXII. *Provided always*, That if at the time such person so summoned ought to have appeared to have given evidence, sufficient cause be shewn of his or her incapacity to attend, then no forfeiture or penalty shall be incurred by such failure; but if sufficient cause be not shewn at the next succeeding court after such failure, then, upon the motion of the party aggrieved, it shall be lawful for the said court to grant judgment for the forfeiture aforesaid, against the person or

Proviso.

paid to the said treasurer hereby appointed, out of all and every the sum and sums of money by him received and accounted for, to the General Assembly, as aforesaid: And that there shall be also allowed to the said treasurer, for auditing and settling the accounts of inspectors of tobacco, during the continuance of the laws in that behalf made, the sum of one hundred and fifty pounds per annum, for his trouble and service therein.

IV. *Provided always*, That the said treasurer before he enters upon his office, shall give such sufficient security as shall be approved of by the governor, or commander in chief of this colony, in the sum of fifty thousand pounds, for the due answering and paying all the money, by him from time to time to be received, as aforesaid.

To give bond and security.

V. And to the end a treasurer may not be wanting in case of the death, resignation, or disability of the treasurer hereby appointed; *Be it further enacted*, That in either of these cases it shall and may be lawful for the governor, or commander in chief of this colony, with the advice of the council, for the time being, to appoint some other fit and able person to be treasurer of the duties, to hold the said office with all powers, authorities, salaries, and profits, aforesaid, until the end of the next session of Assembly, which treasurer, so appointed, shall, before he enters upon his office, give the like security, as is herein before directed.

Where the treasurer dies.

CHAP. IV.

An Act for disarming Papists, and reputed Papists, refusing to take the oaths to the government.

I. WHEREAS it is dangerous at this time to permit Papists to be armed, *Be it enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same*, That it shall, and may be lawful,

Preamble.

Where Papists refuse to take the oaths, when tendered.

for any two or more justices of the peace, who shall know, or suspect any person to be a Papist, or shall be informed that any person is, or is suspected to be a Papist, to tender, and they are hereby authorised and required to tender to such person so known, or suspected to be a Papist, the oaths appointed by act of parliament to be taken instead of the oaths of allegiance and supremacy; and if such person, so required, shall refuse to take the said oaths, and subscribe the test, or shall refuse, or forbear to appear before the said justices for the taking the said oaths, and subscribing the said test, upon notice to him given, or left at his usual place of abode, by any person authorised in that behalf, by warrant under the hands and seals of the said two justices, such person from thenceforth shall be taken to be, and is hereby declared to be liable and subject to all and every the penalties, forfeitures, and disabilities hereafter in this act mentioned.

Duty of justices.

II. *And be it further enacted*, That the said justices of the peace shall certify the name, surname, and usual place of abode of every person, who being required, shall refuse, or neglect to take the said oaths, and subscribe the said test, or to appear before them for the taking the said oaths, and subscribing the said test, as also of every person, who shall take the said oaths, and subscribe the said test at the next court to be holden for the county for which they shall be justices of the peace, to be there recorded by the clerk of the said court, and kept among the records of the said court.

No Papists to keep arms, &c.

III. And for the better securing the lives and properties of his majesty's faithful subjects, *Be it further enacted and declared*, That no Papist, or reputed Papist so refusing, or making default as aforesaid, shall, or may have, or keep in his house or elsewhere, or in the possession of any other person to his use, or at his disposition, any arms, weapons, gunpowder or ammunition, (other than such necessary weapons as shall be allowed to him, by order of the justices of the peace at their court, for the defence of his house or person) and that any two or more justices of the peace, from time to time, by warrant under their hands and seals, may authorise and empower any person or persons in the day-time, with the assistance of the constables where the search shall be (who is hereby required to be aiding and assisting herein) to search for all arms, weapons, gunpowder or ammunition, which shall be

of goods or have them sent afterwards by their fireinds which usually the party that imports them, or those to whome they are sold (*a*) as servants, convert to their owne use, *Bee it therefore enacted* that all servants bringing in goods (not being their owne wearing apparel) or have them consigned to them *during the time of their service* (*b*) shall have the propriety in their owne goods, and by permission of their master dispose of the same for their future advantage.

Servants bringing in goods, or having them consigned to them, to have an absolute propriety in them.

ACT III.

Against persons that refuse to have their Children Baptised. Edit. 1752.

WHEREAS many scismaticall persons out of their aversenesse to the orthodox established religion, or out of the new fangled conceits of their owne hereti-

Purvis 106 & edit. 1783.

Various Readings.

because the former exhibits internal evidence of its containing the laws of each session, which were regularly furnished to the county of Northumberland, immediately after they were passed. But by what authority the acts in Purvis subsequent to those of March, 1661-2, were printed, does not appear. We have already seen (ante p. 147) that the revised laws of March, 1661-2, were transmitted to Sir Wm. Berkeley, then in London, for the king's confirmation; after which they were to be delivered to the assignee of Henry Randolph, to be printed. These revised acts, it would seem were separately and immediately printed, as they are referred to as the printed acts in 1663 (act X) and in other acts, long before the publication of Purvis. They are the first in Purvis's collection, but that was not published till between the years 1684 and 1687, (see preface to vol. I, pa. v.)

The probability is, that the revised acts of March, 1661-2, are printed in Purvis, as they were sent over to London, but that in transcribing the subsequent acts for that collection, more than twenty years afterwards, (for such was the lapse of time between the passing of the acts of March, 1661-2, & the publication of Purvis) great liberties

The law
essentially
allows for only
infant baptism

Those who
don't baptize
their infant
children will be
fined severely

Persons refusing to have their children baptised, to be fined 2000 lbs. of tobacco.

call inventions, refuse to have their children baptised, *Be it therefore enacted by the authority aforesaid*, that all persons that, in contempt of the divine sacrament of baptisme, shall refuse when they may carry their child to a lawfull minister in that county to have them baptised shalbe amerced two thousand pounds of tobacco; halfe to the informer, halfe to the publike.

ACT IV.

Judgment upon a non est inventus.

Edit. 1733 and 1752.
Purvis 107.

WHEREAS by the present law where a non est inventus is returned an attachment is grantable returnable the next court, and judgment upon the same the court following, yet if the arrest be upon an action of the case upon accompt, prescribes noe way of making proofe of the debt the law for accompts referring them to the oath of the debtor; *Bee it therefore henceforth enacted by the authority aforesaid* that in all such cases the creditors oath shall be taken to his accompt and judgment passe for the same, as also where bayle is taken and the defendant appears not, the judgment shall upon such proofe made upon oath by the creditor, passe against the bayle for the debt.

In actions on the case, upon account, if the deftd. appear not, judgment to be rendered on the oath of the plaintiff.

ACT V.

Edit. 1752.
Purvis 107 and edit. 1733.

Women causing scandalous suites to be ducked. (a)
WHEREAS oftentimes many brabling women often

thereof; and the other moiety to him or them that shall sue or prosecute for the same, in any court of record within this colony: To be recovered, with costs, by action of debt, bill, plaint, or information, wherein no essoin, protection, or wager of law, shall be allowed.

Commissions
on collecting.

IX. And be it further enacted, That the several collectors, or officers, appointed to collect and receive the said duties, customs, and imposts, shall, from time to time, be accountable and pay the same to the governors of the said college of William and Mary, or such other person or persons as shall be by them lawfully deputed: And that for the receiving and paying thereof, the said collector or collectors shall be allowed six per cent.

Repealing
clauses.

X. And be it further enacted, That all and every other act and acts, and every clause and article thereof heretofore made, for so much thereof as relates to any matter or thing whatsoever, within the purview of this act, is, and are hereby repealed, and made void, to all intents and purposes, as if the same had never been made.

CHAP. XXX.

An act for the effectual suppression of vice, and restraint and punishment of blasphemous, wicked, and dissolute persons.

Atheism, de-
ism, and in-
fidelity, how
punishable.

**I. BE it enacted, by the Governor, Council, and Bur-
gesses, of this present General Assembly, and it is here-
by enacted, by the authority of the same,** That if any person or persons, brought up in the christian religion, shall, by writing, printing, teaching, or advised speaking, deny the being of a God, or the Holy Trinity, or shall assert or maintain there are more Gods than one, or shall deny the christian religion to be true, or the holy scriptures of the old and new testament to be of divine authority, and be thereof lawfully convicted, upon indictment or information, in the general court of this her majesty's colony and dominion; such person or persons, for the first offence, shall be adjudged incapable, or disabled in law, to all intents and purposes whatsoever, to hold and enjoy any office or employment, ecclesiastical, civil, or military, or any part in

1st offence.

them, or any profit or advantage to them appertaining, or any of them: And if any person or persons, so convicted, as aforesaid, shall, at any time of his or their conviction, enjoy or possess any office, place or employment, such office, place or employment, shall be void, and is hereby declared void: And if such person or persons shall be a second time lawfully convicted, as aforesaid, of all or any of the crimes aforesaid, that then he, she, or they, shall from thenceforth be disabled to sue, prosecute, plead, or use, any action or information, in any court of law or equity, or to be guardian to any child, or to be executor or administrator of any person, or capable of any deed of gift or legacy, or to bear any office, civil or military, for ever, within this her majesty's colony and dominion; and shall also suffer, from the time of such conviction, three years imprisonment, without bail or mainprize.

2nd offence.

II. Provided always, and be it enacted, by the authority aforesaid, and it is hereby enacted, That no person shall be prosecuted, by virtue of this act, for any word spoken, unless information, upon oath, be given in, of the words, before one or more justice or justices of the peace, within one month after such words spoken: and the prosecution of such offence be within twelve months after such information.

Limitation.

III. Provided also, and be it enacted, by the authority aforesaid, and it is hereby enacted, That if any person or persons convicted the first time, of all, or any of the aforesaid crimes, in manner aforesaid, shall, within the space of six months after his, her, or their conviction, make his, her, or their public acknowledgement and renunciation of such offence, or erroneous opinions, in the same court where such person or persons was or were convicted, that then, he, she, or they, shall be thence freed and discharged from all penalties and disabilities incurred by such conviction; any thing in this act to the contrary, in any-wise, notwithstanding.

Recantation.

IV. And be it further enacted, by the authority aforesaid, and it is hereby enacted, That if any person or persons shall profanely swear or curse, or shall be drunk, he, she, or they so offending, for every such offence, being thereof convicted, by the oath of one or more witnesses, which oath, any justice of the peace is hereby empowered and required to administer, (or by con-

Swearing,
cursing, or
drunkenness,
how punish-
able.

Penalty for fraudulently evading this act.

Provided also that if any person shall fraudulently send aboard any ship in Virginia any tobacco of the growth of Virginia and pretend the same to be of the growth of Maryland, intending thereby to defraud the country of their dues, he shall forfeite the tobacco soe laden and concealed.

ACT III.

Act II of Purvis & edit. 1733 and 1752.
Purvis 155
Preamble.

An act declaring that baptisme of slaves doth not exempt them from bondage.

Baptism does not alter the condit'n of the person as to freedom or bondage.

WHEREAS some doubts have risen whether children that are slaves by birth, and by the charity and piety of their owners made pertakers of the blessed sacrament of baptisme, should by vertue of their baptisme be made free; *It is enacted and declared by this grand assembly, and the authority thereof,* that the conferring of baptisme doth not alter the condition of the person as to his bondage or freedome; that diverse masters, freed from this doubt, may more carefully endeavour the propagation of christianity by permitting children, though slaves, or those of greater growth if capable to be admitted to that sacrament.

ACT IV.

Act III of Purvis & edit. 1733 and 1752.

An act for encouragement for erecting Mills.

How an acre of land may be condemned for the abuttm't of a mill dam.

WHEREAS it would conduce much to the convenience of this country, both for the grinding of corne and of neerer roads if mills were erected at convenient places, which diverse persons would willingly doe, if not obstructed by the perversenesse of some persons not permitting others, though not willing themselves to promote soe publique a good; *It is enacted by this grand assembly* that if any person willing to erect one or more mills upon convenient places hath land only on one side the said place, and the owners of the land on the other side shall refuse to let him have an acre of his land to the end aforesaid, that

whom is the same collected, and how answered and accounted to his majesty?

Answer. There is no revenue arising to his majesty but out of the quit-rents; and this he hath given away to a deserving servant, Col. Henry Norwood.

23. What course is taken about the instructing the people, within your government in the christian religion; and what provision is there made for the paying of your ministry?

Education and provision for the clergy.

Answer. The same course that is taken in England out of towns; every man according to his ability instructing his children. We have forty eight parishes, and our ministers are well paid, and by my consent should be better *if they would pray oftener and preach less.* But of all other commodities, so of this, *the worst are sent us*, and we had few that we could boast of, since the persicution in *Cromwell's* tyranny drove divers worthy men hither. *[But, I thank God, there are no free schools nor printing, and I hope we shall not have these hundred years; for learning has brought disobedience, and heresy, and sects into the world, and printing has divulged them, and libels against the best government. God keep us from both!]*

Parishes.

Ministers would deserve better pay *if they would pray more & preach less.* None but the worst sent over. No free schools nor printing: and he prays to God, that he might see neither.

[Nothing can display in stronger colors the execrable policy of the British government, in relation to the colonies, than the sentiments uttered by Sir William Berkeley, in his answer to the last interrogatory. These were, doubtless, his genuine sentiments, which recommended him so highly to the favor of the crown, that he was continued governor of Virginia from 1641 to 1677, a period of thirty-six years, if we except the short interval of the commonwealth, and a few occasional times of absence from his government, on visits to England. The more profoundly ignorant the colonists could be kept, the better subjects they were.]

[What excellent food for tyrants!]

Governor William Berkeley on the clergy in Virginia ca. 1670-1671





College of William and Mary, established 1693

1618 Communion Service Set given to the Parish of St. Mary at Smith's Hundred located 8 miles northwest of Jamestown. After 1622, the Communion Set was given to what is now St. John's Church in Hampton (when it was Elizabeth City County).

According to the church website, the set is used for communion in special services.





Bruton Church, Williamsburg,
built in 1715, on a fine
December day.

Christ Church in Lancaster County

Built (in terms of
funding and supplied
labor) by Robert
"King" Carter in 1735,
Christ Church is
arguably the most
architecturally
significant of the 18th
century churches in
Virginia





Christ Church, Lancaster County



Aquia Church, Stafford County

Copy Desk

{ William Lewis } 26
 Daniel Price
 Henry Hoscher

This is to Certifie that Edmond Allen John Harris Richard Williamson with the assistance of the Neighbouring free holders hath reviewed all the Lines in our precinct, except a Line between Capt James Cooke and Thomas Matthews, and the reason that it was not precesioned Capt Cooke never came to precesion and a Out line of Joseph Watsons and the reason that it was not precesioned the line could not be found, and every person being present at the same time &c.

January 7th 1784. Discovered the following Lines
Between John Wood and William Trining between William Trining and Isaac
Cooke. January 4th Between Mr Joseph Mayo and Mr Peter Martin. Between
Mr Mayo and James Franklin. Between Thomas Robertson and Ed^d William,
Between Mr Joseph Mayo and Thomas Robertson. January 4th
Between James Franklin and Thomas Robertson Between Thomas
Robertson and William Burton Between William Burton and Alex^r
Robertson and Joseph Mayo. Between Alexander Robertson and Abram
and George Abney, January 16th between Mr With Cocks and Thomas
Bailey and Charles Belov. Between Thomas Bailey John Giles and
Charles Belov. Between Nicholas Giles and John Allday. Jan^y 28th.
Between John Giles Thomas Mayes Between Thomas Allday and John
Giles March 12th Between Ed^d William Randolph and Francis
Marrin March 24th. Between Ed^d William Randolph John Allday
Mr Mayes The Lines between Braque Cocks and Francis Marrin
and between Francis Marrin and Woburn Caffey lying Above do agree
that the Surveyor shall run them for John Giles John Allday

Copy Fresh:

The Order Executed in procuring and returning possession the
2^d of Martha Hambleton present William Jones and John Mosey, procured the
Boo Land present John Mosey, procured William Jones and
David Atkins and John Mosey, procured the Land of Will: Jones
present John Mosey and John Mosey, procured the Land of John Mosey
present John Mosey and James Bannister, Jacob C. Shephard and
procured present John Mosey and John Mosey, procured John
Johnsons Land present John Shephard, procured the Land of Robt
Mosey, present Matthew Hutehewson and John Shephard David
Atkins Land present William Mosey and John Mosey, procured the
Land of Joseph Parsons, present Robert Mosey and John Mosey
procured William Britains Land, present Robert Mosey, Henry
Britain, procured Isaac Winslow Land, present Henry Britain
and Robert Mosey, procured the Land Robert Mosey, present Isaac
Winslow and Henry Britain, procured the Land of Ralph Hunt
and John Royall, present Robert Mosey and John Wheeler, procured
the Land of Obadiah Smith, present Thomas Conway and James
Conway, procured the Land of Michael Holton, present John
Wheeler Thomas Conway Obadiah Smith, procured Matthew Hutehew-
son Land present John Wheeler and John Royall, procured John
Wheeler Land present John Royall, procured the Land of Thomas
Conway and Nick Prior, present James Conway and Edward Price and
Walter Clark, procured the Land of James Conway and Benjamin
Cannon and Mary Walters, present Thomas Conway and Edward Price
and Charles Cannon, procured the Land of Simon Ligon present
William Harte and John Martin, procured John Martin
present Simon Ligon and William Litch, procured the Land of
Robert Tomlin, present John Tomlin and William Harte, procured
the Land of Robert Hardwick, present Thomas Denton and John North
procured the Land of John North present Robert Hardwick and
Edward Thomas, procured Thomas Denton, present William Harte
and Robert Hardwick, procured William Harte, present Simon
Ligon, procured Will: Litch, present John Martin, present
Jacob Babar, present Charles Cannon and Nick Prior, present
John Woodson and present himself, procured the Land of William
Childers present Hutehewson Burton and Thomas Collett, present
Hutehewson Burton and William Gudins, present John Childers

Henrico Parish Vestry Book, 1730-1785
Land processioning to determine how much each land
owner owed in tithes to support the church

A photograph of the exterior of Hebron Lutheran Church. The church is a white, two-story wooden building with a green metal roof. It has a small steeple and a set of wooden steps leading to the entrance. The church is surrounded by lush green trees and a well-maintained lawn. A low stone wall is visible in the foreground.

Hebron Lutheran Church, in Madison County

Built in 1740, the oldest Lutheran
church in the United States in
continuous use.

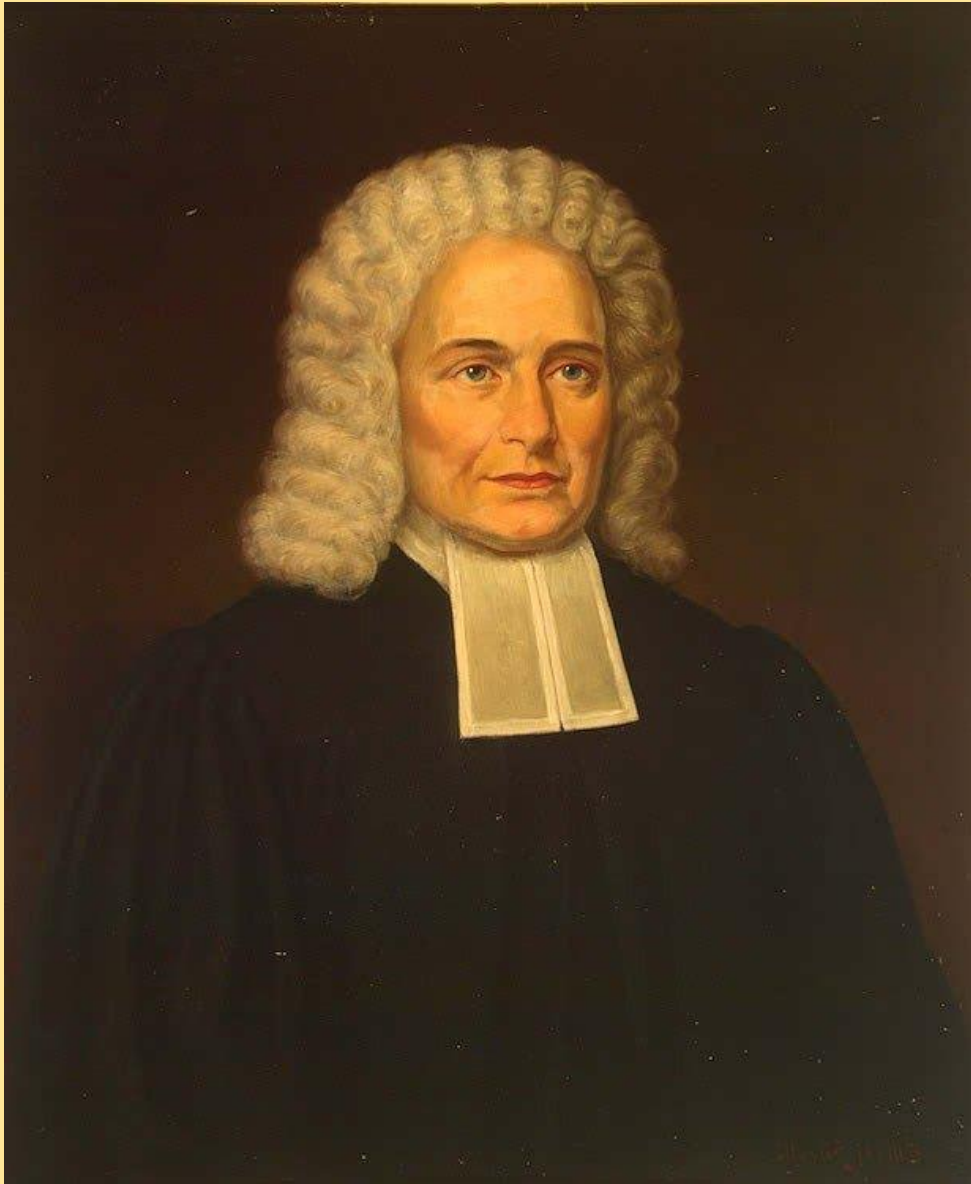




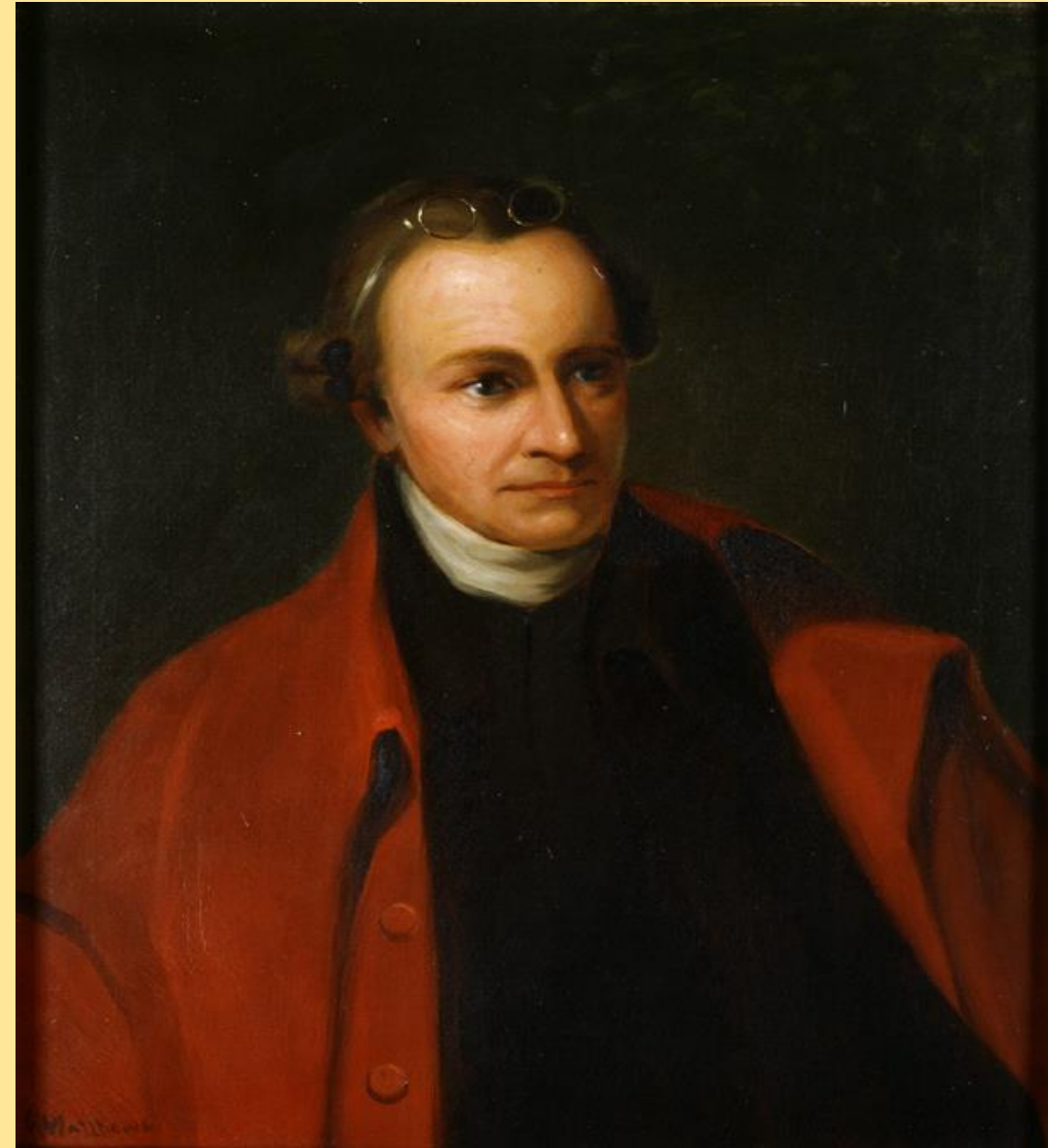
George Whitefield—along with John Wesley, one of the foremost evangelists of the Great Awakening

Coming to the colonies from England, he preached up and down the 13 colonies.

Samuel Davies (1723-1761)

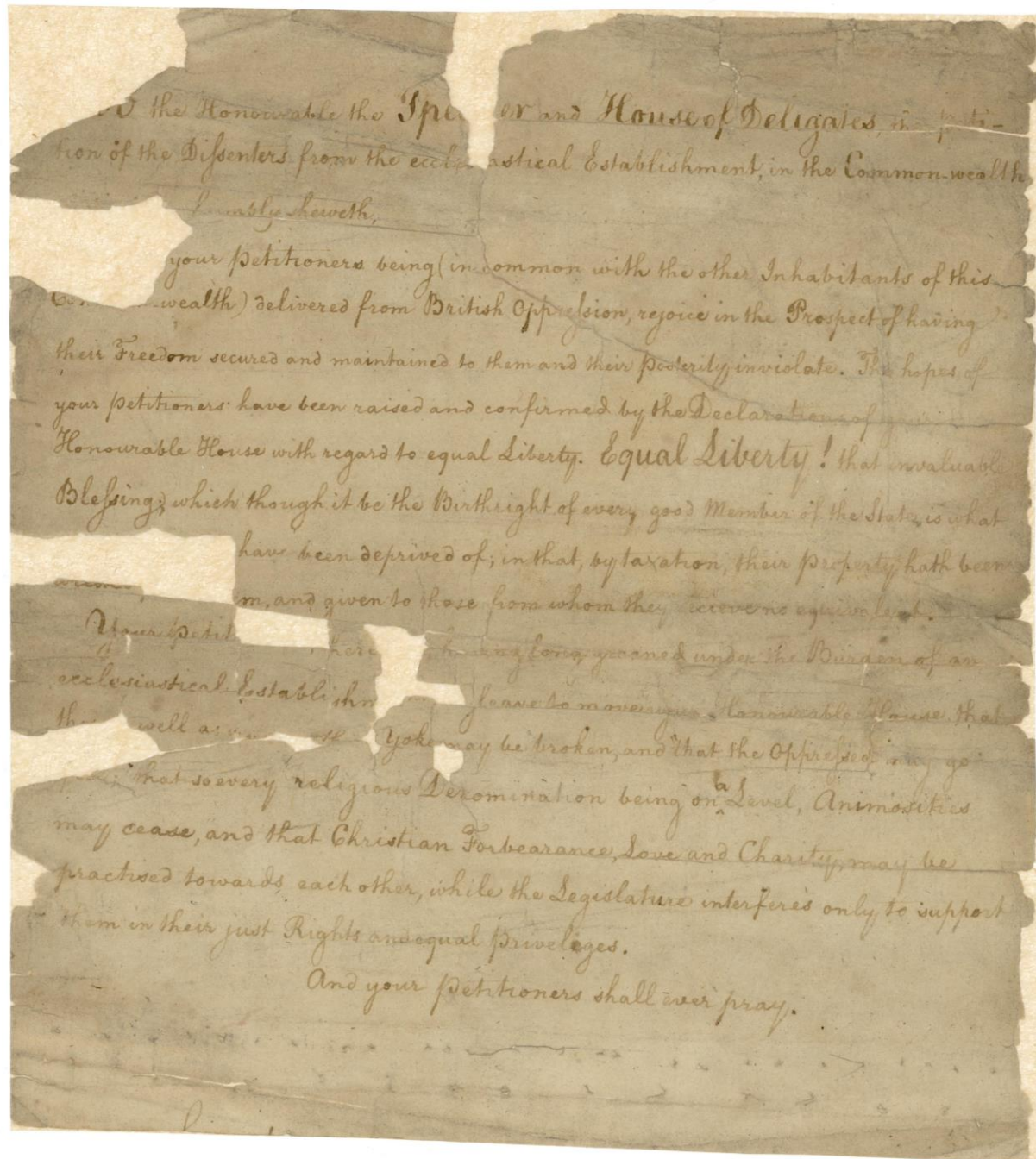


Patrick Henry (1736-1799)





Reconstruction of a Presbyterian meeting house
Colonial Williamsburg



The 10,000 Name Petition:
 The dissenting churches
 request the Virginia
 Convention to disestablish
 the Church of England in the
 new state and support
 broader religious freedoms.
 Thomas Jefferson would
 write the Statute for Religious
 Freedom in 1777 and
 introduce it into the
 legislature in 1779. It would
 not pass during the American
 Revolution.

(Copy of the first Draft by G. Mason)

A Declaration of Rights made by the Representatives of the good people of Virginia, assembled in full and free Convention; which Rights do pertain to them and their posterity, as the Basis and Foundation of Government.

1. That all men are created equally free & independent, & have certain inalienable rights, of which they can not, by any compact, deprive or distrust their posterity; among which are the enjoyment of life & liberty, with the means of acquiring & possessing property, & pursuing & obtaining Happiness & Safety.

2. That all power is by God & Nature vested in, & consequently derived from the people; That Magistrates are their Trustees & Servants, and at all times amenable to them.

3. That Government is or ought to be, instituted for the common Benefit, protection & Security of the People, Nation or Community. Of all the various modes & forms of Government that is best, which is capable of producing the greatest Degree of Happiness & Safety, & is most effectually secured against the Danger of real administration; and that whenever any Government shall be found inadequate or contrary to these purposes, a majority of the community hath an indubitable, unalienable, & indefeasible Right, to reform, alter, or abolish it, in such

Draft of the Declaration of Rights in the hand of George Mason

The Declaration of Rights as amended and adopted by the Virginia Convention in 1776 has been the introduction to every Virginia state constitution since

Justice, Moderation, Temperance, Frugality & Virtue, and by frequent Recurrence to fundamental Principles.

14. That Religion, or the Duty which we owe to our Creator, and the Manner of discharging it, can be directed only by Reason & Conviction, not by Force or Violence, and therefore that all men should enjoy the fullest Toleration in the Exercise of Religion, according to the Dictates of Conscience, unpunished & unrestrained by the Magistrate, unless under Colour of Religion, any man disturb the Peace, the Happiness, or the Safety of Society: And that it is the mutual Duty of all to practice Christian Forbearance, Love, & Charity towards each other.

Some on Subj. of Toleration
in the 15th
The Letter of Intimation
of Toleration
not
freedom
of Religion
inverts

2 more articles were added Nov. 10th 1776
in the 23rd of Dec. 1776 - of a penal nature

This Declaration of Rights was the first in America; it received few alterations or additions in the Virginia Convention (some of them not for the better) and was afterwards closely imitated by the other United States.

Declaration of Rights
in 1776

Constitution of Virginia

Article I. Bill of Rights

Section 16. Free exercise of religion; no establishment of religion

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; and, therefore, all men are equally entitled to the free exercise of religion, according to the dictates of conscience; and that it is the mutual duty of all to practice Christian forbearance, love, and charity towards each other. No man shall be compelled to frequent or support any religious worship, place, or ministry whatsoever, nor shall be enforced, restrained, molested, or burthened in his body or goods, nor shall otherwise suffer on account of his religious opinions or belief; but all men shall be free to profess and by argument to maintain their opinions in matters of religion, and the same shall in nowise diminish, enlarge, or affect their civil capacities. And the General Assembly shall not prescribe any religious test whatever, or confer any peculiar privileges or advantages on any sect or denomination, or pass any law requiring or authorizing any religious society, or the people of any district within this Commonwealth, to levy on themselves or others, any tax for the erection or repair of any house of public worship, or for the support of any church or ministry; but it shall be left free to every person to select his religious instructor, and to make for his support such private contract as he shall please.

In the finished Declaration of Rights, Mason's 14th point
in the draft is the 16th point in the final product.

How that reads today in Virginia's Constitution. Virginia's legislative Information System



Gunston Hall, the
home of George
Mason, on a fine
December Day



Left:
Sir Francis Bacon
(1561-1626)

Empiricism
Inductive reasoning

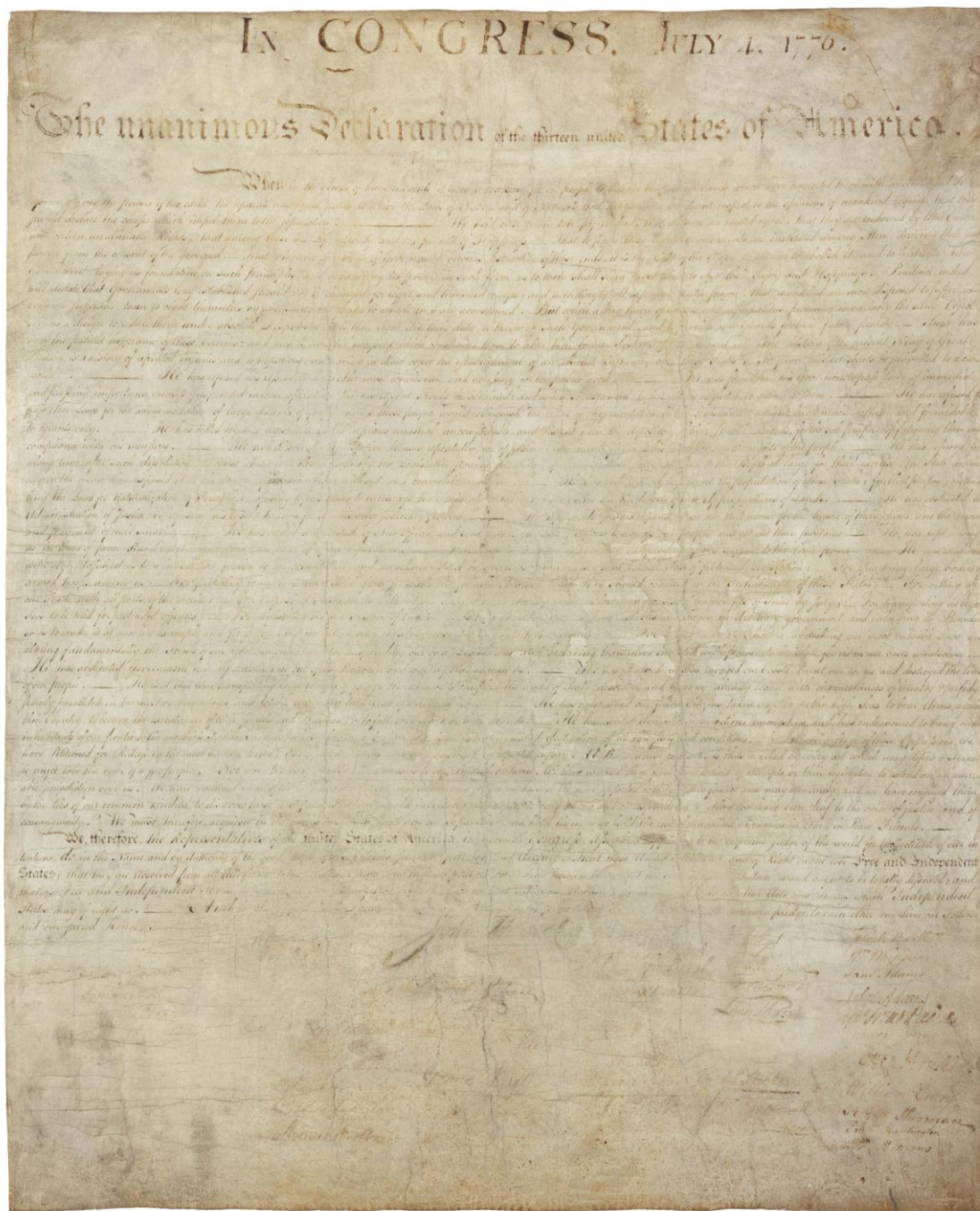


Above:
Sir Isaac Newton
(1642-1726/7)
Physicist, Astronomer,
Mathematician, etc.



Right:
John Locke
(1632-1704)

Social Contract
Basis of how we view
government today



The Declaration of Independence

What you see when you go to the National Archives!

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. — That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, — That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government

To the Honourable the Speaker and Gentlemen of the house of Delegates.

The Remonstrance and Petition of the Committee of Several Baptist Associations in Virginia Assembled in Powhatan County August 13th 1785 humbly sheweth, that,

Whereas a Bill has been published by Order of your Honourable House, intitled "a Bill establishing provision for the Teachers of the Christian Religion"; and the Inhabitants of this State have been by You requested to signify their opinion with respect to the Adoption of such a Bill, these Committees have accordingly taken the Liberty respectfully to remonstrate against it for the following reasons.

They are of Opinion that the principle on which the Bill is founded is utterly repugnant to, and inconsistent with the Original genius and simplicity of the Christian Church; and with that liberal principle to which they have reason to expect an invariable adherence in all your public measures respecting religious matters.

They consider the Church of Christ merely as a spiritual Body having properly no secular or civil Office, but such as are of a spiritual nature, relating either immediately, or ultimately to another World. On which principle, every combination of civil and ecclesiastical matters in such a manner, as that the proper Offices of the one are made by Virtue of this Office, Agents and Conductors in the other appears to them, even tho' it be made with an immediate view to the advantage of the Church, to be wholly of human invention and directly contrary to that plan on which the Gospel manifests it to have been constituted by Christ and his Apostles.

As the Church or Kingdom of Christ is not of this World as himself declares; it appears an evident impropriety, to intrust in the management of any of its proper Interests, Offices which relate wholly to secular matters, and cannot therefore have any proper connexion with a spiritual Body—On which account they cannot see on what defensible principles, the Sheriff's County Court, and public Treasurers are all to be employed in the management of money levied for the express purpose of supporting Teachers of

the Christian Religion.

That to compel Men to furnish contributions of Money to support that Religion which they disbelieve and abhor appears cruel and tyrannical,—that to compel even those to support the Gospel who profess to believe it, is inconsistent both with the generous and independent spirit of the Christian Religion, and the custom of the Primitive Church.

Christianity addresses itself to the understanding and affections of Men; and aims to attract them to its Interests only by Arguments adapted to convince them of its native excellence, and its importance to their happiness. If these considerations fail it has no other to propose. Compulsion in matters of Religion would be so far from engaging Men to be what it proposes, that it would rather prejudice them against it.—Those who are attached to the Gospel from a principle of Piety need no compulsion, and those who are not, will be more the better for the involuntary tribute they pay to its Teachers, by the operation of laws of the State.

The Gospel made its way thro' the World for several Centuries after the Apostles without the Aid of civil power to give it a formal Establishment. The Proud Greeks the Stubborn Jews, and the wild Barbarians were made to bow to the Supremacy of Gospel Grace, not by the force of human Laws, nor the carnal Weapons of Swords and Spears, but by the Spiritual Weapons of Grace and Mercy held out in the Divine doctrines of the Gospel.

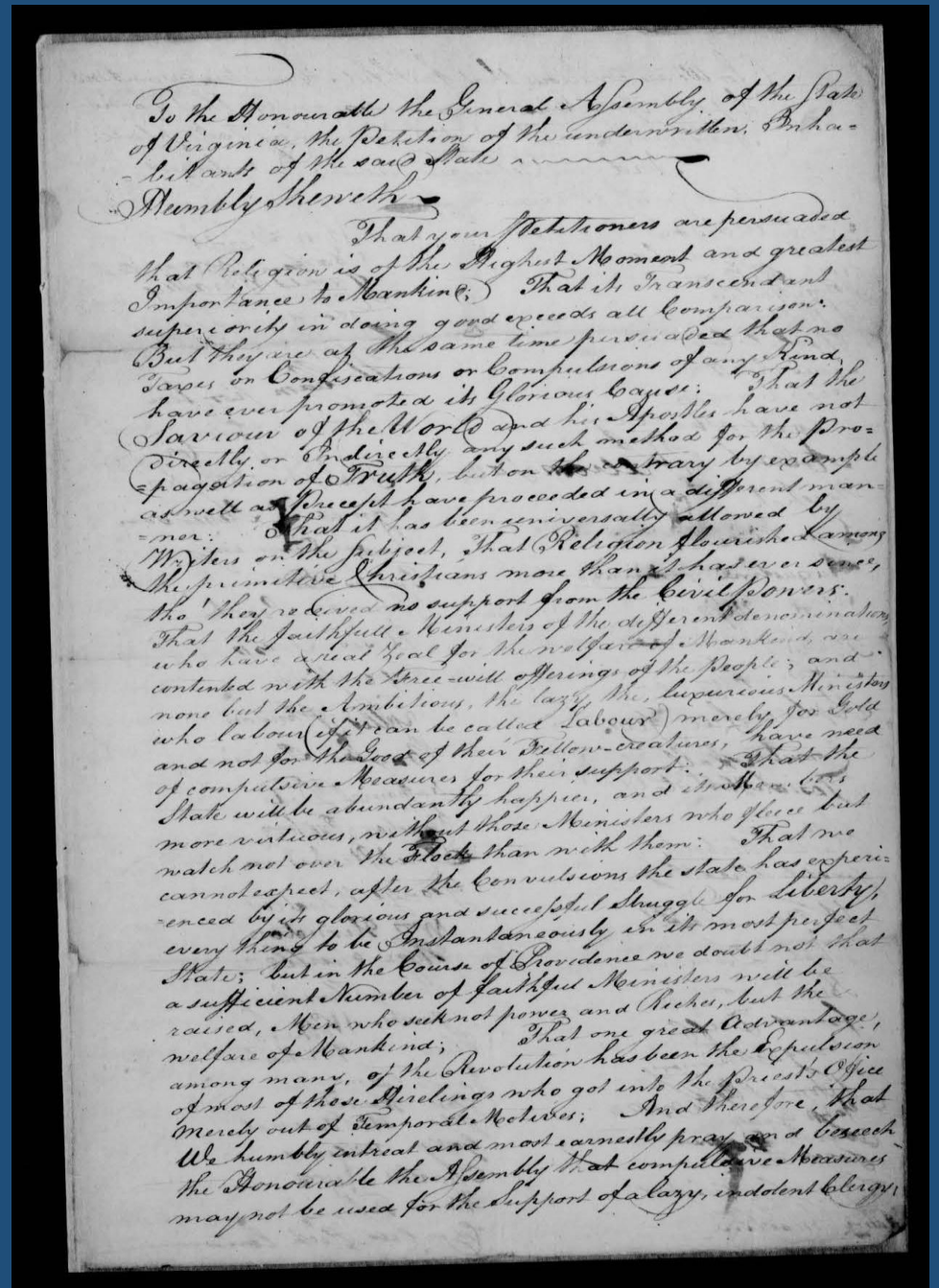
It appears from the History of Establishments in Religion that they have generally been unfavourable not only to the progress of real Piety and Charity; but to the Liberties of those States where they have existed which is a further reason why they should most strenuously object against the Bill in Question. for allowing it to have been formed with the most benevolent intentions towards the State, there is no

Petition of the Second Baptist Association in Virginia assembled against the proposed Bill Establishing Provisions for the Teachers of the Christian Religion

November 3, 1785

Petition against the bill from
Prince William County,
November 29, 1785

"...none but the ambitious, the
lazy, the luxurious ministers who
labour (if it can be called labour)
merely for Gold and not for the
Good of their fellow creatures..."



To the Honourable the General Assembly of the State
of Virginia, the Petition of the undersigned, Petition-
ers of the said State humbly sheweth

That your Petitioners are persuaded
that Religion is of the highest, most, and greatest
Importance to Mankind; That its transcendent
superiority in doing good exceeds all comparison.
But they are at the same time persuaded that no
Taxes or Confiscations or Compulsions of any kind,
have ever promoted its glorious Causes; That the
Saviour of the World and his Apostles have not
directly or indirectly any such method for the pro-
pagation of Truth, but on the contrary by example
as well as precept have proceeded in a different man-
ner: That it has been universally allowed by
Writers on the subject, that Religion flourished among
the primitive Christians more than it has ever since,
tho' they received no support from the Civil Powers.
That the faithful Ministers of the different Denominations
who have a real zeal for the welfare of Mankind, are
contented with the free-will offerings of the People; and
none but the Ambitious, the lazy, the luxurious Ministers
who labour (if it can be called labour) merely for Gold
and not for the Good of their fellow-creatures, have need
of compulsive Measures for their support: That the
State will be abundantly happier, and its Citizens
more virtuous, without those Ministers who flourish but
watch not over the Flocks than with them: That we
cannot expect, after the convulsions the State has experi-
enced by its glorious and successful Struggle for Liberty,
every thing to be instantaneously in its most perfect
State; but in the Course of Providence we doubt not that
a sufficient Number of faithful Ministers will be
raised, Men who seek not power and Riches, but the
welfare of Mankind; That one great Advantage,
among many, of the Revolution has been the Expulsion
of most of those Quakings who got into the Priests Office
merely out of Temporal Motives; And therefore, That
We humbly intreat and most earnestly pray, and beseech
the Honourable the Assembly that compulsive Measures
may not be used for the support of a lazy, indolent Clergy,

51

that to injure the civil magistrate, to invade his powers, and to excite his passions & indignation, is gross & an expression of
disrespect to a dangerous fallacy which at once disarms all religious liberty & leaves it at the mercy of those who
control the rules of judgment and address in rendering the sentiments of a citizen into law. Such a course with respect to the civil
is to have some of the right hand of civil government for its officers to be used when principles break out into open acts against peace
and good order and finally, that "breath is given and cult poured of light & love", that this is the proper and efficient enlargement
however, and no nothing to free from this conflict, which by human intervention is avoided, of the natural weapons free argument and
debate, even conceding to be dangerous when it is permitted freely to convince its hearers. So it entitled by the General
Assembly that no man should be compelled to frequent or support any religious worship, place or ministry whatsoever, nor shall be enforced, ex-
communicated or excommunicated in his body or goods, nor shall otherwise suffer in person or estate, for his religious opinions or belief, but that all men shall
be free to worship and by argument to convince 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 establish the acts of succeeding legislatures constituted with powers equal to our own, and that therefore, we declare that no legislator
possessing such power in laws that we are free to declare and do declare that the right & liberty of speech, the use of the natural rights of man-
kind, and that if any act shall be hereafter passed to restrict the persons or to narrow the questions, such act will be an infringement
of natural rights.

Bills, Jan 18

[illegible]

The two key paragraphs of the act—sections II and III

Section II—Jefferson's assertion of an individual's religious freedom, or freedom from religion

Section III—That to repeal this act, which concedes can be done, would be a violation of individual natural rights

ceasing to be dangerous when it is permitted freely to contradict them:

None compelled to frequent, or support any religious worship. All free to profess, & by argument to maintain their religious opinions.

Declaration that the rights by this act asserted, are of the natural rights of man.

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

III. 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.

CHAP. XXXV.

An act for dividing the county of Hampshire.

¹ Hampshire county divided and Hardy formed.

Boundaries.

BE it enacted by the General Assembly, That from and after the first day of February next, the county of Hampshire shall be divided into two distinct counties, by a line beginning at the north branch of Potowmack, opposite to the mouth of Savage river, and running thence in a direct course so as to strike the upper end of the plantation known by the name of Myres's mill, on New creek; thence in a direct course to John Lewis's mill, on Patterson's creek; thence in a direct course to the highest part of the mountain known by the name of the High Nob; thence in a direct course to the gap

