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Republican Notes on Religion.

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REPUBLICAN NOTES

ON

RELIGION;

AND,

AN ACT ESTABLISHING RELIGIOUS FREE-  
DOM, PASSED IN THE ASSEMBLY OF  
VIRGINIA, IN THE YEAR 1786.

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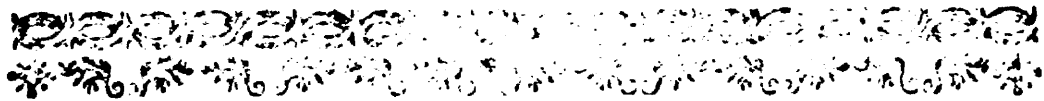
BY THOMAS JEFFERSON, ESQUIRE,

PRESIDENT OF THE UNITED STATES.

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## REPUBLICAN NOTES, &c.

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**T**HE first settlers in this country were emigrants from England, of the English church, just at a point of time when it was flushed with complete victory over the religious of all other persuasions. Possessing, as they became, of the powers of making, administering, and executing the laws, they shewed equal intolerance in this country with their Presbyterian brethren, who had emigrated to the northern government. The poor Quakers were flying from persecution in England. They cast their eyes on these new countries as asylums of civil and religious freedom; but they found them free only for the reigning sect. — Several acts of the Virginia assembly of 1659, 1662 and 1693, had made it penal in parents to refuse to have their children bantized; had prohibited the unlawful assembling of Quakers: had made it penal for any master of a vessel to bring a Quaker into the state; had ordered those already here, and such as should come hereafter, to be imprisoned till they should abjure the country; provided a milder punishment for their first and second return, but death for their third; had inhibited all persons from suffering their meetings in or near their houses, entertaining them individually, or disposing of books which supported their tenets. If no execution took place here, as did in New-En-

gland, it was not owing to the moderation of the church, or spirit of the legislature, as may be inferred from the law itself; but to historical circumstances, which have not been handed down to us. The Anglicans retained full possession of the country about a century. Other opinions began then to creep in, and the great care of the government to support their own church, having begotten an equal degree of indolence in its clergy, two-thirds of the people had become dissenters at the commencement of the present revolution. The laws indeed were still oppressive on them, but the spirit of the one party had subsided into moderation, and of the other had risen to a degree of determination which commanded respect.

The present state of our laws on the subject of religion is this. The convention of May 1776, in their declaration of rights, declared it to be a truth, and a natural right, that the exercise of religion should be free; but when they proceeded to form on that declaration the ordinance of government, instead of taking up every principle declared in the bill of rights, and guarding it by legislative sanction, they passed over that which asserted our religious rights, leaving them as they found them. The same convention, however, when they met as a member of the general assembly in October, 1776, repealed all *acts of parliament* which had rendered criminal the maintaining any opinions in matters of religion, the forbearing to repair to church, and the exercising any mode of worship; and suspending the laws giving salaries to the clergy, which suspension was made perpetual in October 1779. Statutory oppressions being thus wiped away, we remain at present under those only imposed by the common law, or by our own acts of assembly. At the common law, *heresy* was a capital

offence, punishable by burning. Its definition was left to the ecclesiastical judges, before whom the conviction was, till the statute of the 1 Ed. c. 1. circumscribed it, by declaring, that nothing should be deemed heresy, but what had been so determined by authority of the canonical scriptures, or by one of the four first general councils, or by some other council having for the grounds of their declaration the express and plain words of the scriptures. Heresy, thus circumscribed, being an offence at the common law, our act of assembly of October, 1777. c. 17. gives cognisance of it to the general court, by declaring, that the jurisdiction of that court shall be general in all matters at the common law. The execution is by the writ *De heretico comburendo*. By our act of assembly of 1705, c. 30. if a person brought up in the Christian religion denies the being of a God, or the Trinity, or asserts there are more gods than one, or denies the christian religion to be true, or the scriptures to be of divine authority, he is punishable on the first offence by incapacity to hold any office or employment ecclesiastical, civil, or military; on the second by disability to sue, to take any gift or legacy, to be guardian, executor, or administrator, and by three years imprisonment without bail.\* A father's right to the custody of his own children being founded in law on his right of guardianship, this being taken away, they may of course be severed from him, and put by the authority of the court, into more orthodox hands. This is a summary view of that religious slavery, under which a people have been willing to remain, who have lavished their lives and fortunes for the establishment of their civil freedom.†—

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\* *This pious paragraph is still a Connecticut law.—*

† *Furneaux passim.*

