

Founders Online

82. A BILL FOR ESTABLISHING RELIGIOUS FREEDOM, 18 JUNE 1779

82. A Bill for Establishing Religious Freedom

Well aware that the opinions and belief of men depend not on their own will, but follow involuntarily the evidence proposed to their minds; that¹ Almighty God hath created the mind free, and manifested his supreme will that free it shall remain by making it altogether insusceptible of restraint;² 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,³ 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, but to extend it by its influence on reason alone;⁴ that the impious presumption of legislators and rulers, civil as well as ecclesiastical, who, being themselves but fallible and uninspired men, have assumed dominion over the faith of others, setting up their own opinions and modes of thinking as the only true and infallible, and as such endeavoring to impose them on others, hath established and maintained false religions over the greatest part of the world and through all time: That to compel a man to furnish contributions of money for the propagation of opinions which he disbelieves and abhors,⁴ is sinful and tyrannical; that even the forcing him to support this or that teacher 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 temporary⁵ 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 dependance on our religious opinions, any more than⁶ our opinions in physics or geometry; that therefore the proscribing any citizen as unworthy the public confidence by laying upon him an incapacity of being called to offices of trust and emolument, unless he profess or renounce this or that religious opinion, is depriving him injuriously of those privileges and advantages to which, in common with his fellow citizens, he has a natural right; that it tends also⁷ to corrupt the principles of that very⁸ 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 these are criminal who do not withstand such temptation, yet neither are those innocent who lay the bait in their way; that the opinions of men are not the object of civil government, nor under its jurisdiction;⁹ that to suffer the civil magistrate to intrude his powers into the field of opinion and to restrain the profession or propagation of principles on supposition of their ill tendency is a dangerous falacy, which at once destroys all religious liberty, because he being of course judge of that tendency will make his opinions the rule of judgment, 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.

We the General Assembly of Virginia do enact¹⁰ 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 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 act¹¹ 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.

Report, p. 58–9. No MS copy of this famous Bill has been found. Text of Act as adopted in 1785 is in Hening, xii, 84–6. The engrossed MS copy of the Act, on parchment, is in Vi (photostat in TJ Editorial Files); the text in Hening agrees with this authoritative text and also with the text of the official printing in the session laws of Oct. 1785 (*Acts passed at a General Assembly of the Commonwealth of Virginia*, Richmond: Dunlap and Hayes [1786], p. 26–7). For various contemporary printed texts, see note below. Since the printed text of 1779 is reproduced in facsimile in this volume, the text of the Report has been followed here so that the slight variations in punctuation and spelling can be noted. The texts of both the 1779 broadside and the 1784 Report are obviously different from the MS as TJ would normally have written it, the former employing such spellings as “honours,” “labour,” “&c.,” and the latter being punctuated in an erratic manner. These variations may be attributed to copyists’ or printers’ errors. These two texts are the closest we can get to TJ’s original, but there is little to choose between them: the most that can be said is that the 1779 broadside is the earliest known text. *Those parts of the Bill that were deleted by*

amendment are printed in italic type; it is important to note that this device is employed only as a graphic means of showing at a glance the changes made by the General Assembly and that the text as printed in *Report*, p. 58–9, is entirely in roman type and should, for ordinary purposes, be so quoted.

For a good summary and background of TJ's attitude toward the established Church, dissenting groups, and the relationship of church and state, see Malone, *Jefferson*, I, 274–80. This Bill, which TJ ranked with the Declaration of Independence, might indeed be considered as a necessary consequence of it: as the Declaration of Independence asserted the natural right of a people to choose any form of government conducive to their safety and happiness, so the Bill for Establishing Religious Freedom asserted the natural right of a person to choose his beliefs and opinions free of compulsion. In this sense the famous preamble to TJ's Bill provided philosophical justification, as of natural right, not merely for the ideas of religious toleration and separation of state and church but also for the right of the individual to complete intellectual liberty—"the opinions of men are not the object of civil government, nor under its jurisdiction." TJ later asserted that the effort to disestablish the Church of England in Virginia and to establish religious freedom brought on "the severest contests" in which he had ever been engaged (see Notes and Proceedings on Discontinuing the Establishment of the Church of England, 11 Oct. to 9 Dec. 1776). The effort had resulted in 1776 in a compromise: TJ and his colleagues had failed to obtain repeal of all laws interfering with religious worship and, instead of disestablishing the Church, had only succeeded in exempting dissenters from levies made in behalf of the establishment. From 1776 to 1779 the General Assembly was assailed with petitions for and against further reform. The particular issue was whether the maintenance of churches should be left to voluntary contributions or whether "a general assessment should not be established by law, on every one, to the support of the pastor of his choice" (*Autobiography, Ford*, I, 54). The Bill for Establishing Religious Freedom, though TJ declared he had drawn it in 1777, was probably not brought forward in these years from 1776 to 1779 because the intense fight over the question of a general assessment made it difficult enough to hold the position that had been gained. However, on 4 June 1779, after TJ had been elected governor, the House ordered Harvie, Mason, and Baker to bring in a bill on this subject. TJ's Bill was presented by Harvie on 12 June, the next day it passed the second reading, and the third reading was postponed to 1 Aug., which killed it for that session (*JHD*, May 1779, 1827 edn., p. 34, 36, 44, 46).

There is no reference in the Journals of the House of Delegates to the printing of TJ's Bill as introduced at the May 1779 session, but, though attributed to the year 1785 in the bibliographies of Sabin and others, it was printed in the summer of 1779 as a broadside under the title: "A BILL for establishing RELIGIOUS FREEDOM, printed for the consideration of the PEOPLE" (see facsimile reprint in this volume; see also Mazzei to TJ, 19 Mch. 1780). Whether this was done under the authority of the General Assembly or privately by TJ and other supporters of the Bill is not certain, but, though the General Assembly from time to time did print bills that were held over from one session to another so that they could be discussed by the people (e.g., see Bill for Giving the Members of the General Assembly an Adequate Allowance, 12 Dec. 1778), the available evidence seems to support the supposition that it was privately issued. For, if the General Assembly had authorized publication, there would seem to be no reason why such authorization should not have appeared in the Journals, as other similar authorizations did. Also, at the Oct. 1779 session there were several petitions for and against this particular Bill and two of them express doubt as to whether the publication was authorized by the General Assembly or not. A petition from Augusta county expressed approval of "the bill presented to the last Assembly, (and published, as they suppose, for the Consideration of the people) 'for establishing religious freedom'" and prayed that it be enacted into law. Another petition from dissenters in Lunenburg county asserted that they had seen "a bill which they suppose was published by order of the last Assembly, 'for establishing religious freedom'" (this petition, incidentally, supports TJ's assertion that some of the dissenting groups, having gained their point in 1776, went over to the opposition and supported the idea of a general assessment; for the petition of the Lunenburg dissenters approved the Bill and at the same time prayed for the enactment of a general assessment). Other petitions from Essex and Amherst concerned the Bill but did not refer to the fact or the method of its being printed (*JHD*, Oct. 1779, 1827 edn., p. 20, 27, 32, 37). It seems obvious that, if this Bill had been printed under public authority, that fact would have been known to the petitioners and their memorials to the General Assembly would not, therefore, have expressed doubt on the point. For if the broadside had been printed by public authorization, it would no doubt have been transmitted as such by the clerk of the House or by the executive department. When the printing of *The Report of the Committee of Revisors* was authorized by the General Assembly in 1784, the resolution specifically directed that the pamphlet "be distributed throughout the several counties by the Executive, in such manner as they shall judge most conducive to the end proposed." It is difficult to imagine what motive could have persuaded, or what means could have been employed by, the General Assembly to conceal its authorization of the printing of the broadside if, as on this and other occasions, its object was to have the Bill "printed for the consideration of the people."

The effort to have Bill No. 82 passed separately at the May and Oct. sessions in 1779 was not successful. But in Oct. 1785 this Bill was one of two in the second half of the revisal brought up for consideration and the only one of these adopted (the other was Bill No. 79). Madison reported to Monroe on the day the Bill passed the House: "The Bill proportioning crimes and punishments was the one at which we stuck after wading thro' the most difficult parts of it. A few subsequent bills however were excepted from the postponement. Among these was the Bill for establishing Religious freedom, which has got thro' the H. of Delegates without alteration, though not without warm opposition. Mr. Mercer and Mr. Corbin were the principal Combatants against it" (Madison to Monroe, 17 Dec. 1785, *Writings*, ed. Hunt, II, 205). This was something of an understatement. The Bill was introduced by Madison 31 Oct. 1785, read twice, and referred to the committee of the whole. It was debated and amended by the committee on 15 Dec., and this amendment, which has not been identified, was approved by the House the next day.

At the same time another amendment was proposed—that is, that the whole of TJ's preamble be struck out and the following substituted therefor: "Whereas, it is declared by the Bill of Rights, 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 it is the mutual duty of all to practice christian forbearance, love and charity towards each other" (JHD, Oct. 1785, 1828 edn., p. 12–15, 93, 94, 95). When Madison reported on this Bill to TJ, 22 Jan. 1786, q.v., he mentioned the Senate's effort to accomplish the same amendment, but did not refer to that attempted earlier in the House. As an indication of the importance attached to this whole question, it is worth noting that the ayes and noes on this amendment were recorded in the Journals. The amendment failed by a vote of 38 to 66.

On 17 Dec. a motion was made to postpone the third reading of the engrossed Bill until the Oct. session 1786, but this was defeated. The Bill was thereupon read the third time, put to a vote, passed by a majority of 74 to 20, and transmitted to the Senate. The ayes and noes were ordered to be recorded. Those voting in favor of the Bill were: Joshua Fry, Wilson Cary Nicholas, Joseph Eggleston, Samuel Jordan Cabell, Zachariah Johnston, Michael Bowyer, John Trigg, Robert Clark, George Hancock, Archibald Stuart, William Anderson, Hickerson Barksdale, John Clarke (Campbell), Samuel Hawes, Anthony New, John Daniel, Henry Southall, French Strother, Henry Fry, William Gatewood, Meriwether Smith, Charles Simms, David Stuart, William Pickett, Thomas Helm, Christopher Greenup, James Garrard, George Thomson, Alexander White, Charles Thruston, Thomas Smith, George Clendennin, John Lucas, Jeremiah Pate, Ralph Humphreys, Isaac Vanmeter, George Jackson, Nathaniel Wilkinson, John Mayo, Jr., John Rentfro, William Norvell, John Roberts, William Dudley, Thomas Moore, Carter Braxton, Benjamin Temple, Francis Peyton, Christopher Robertson, Samuel Garland, Benjamin Logan, David Scott, William Pettijohn, Robert Sayres, Daniel Trigg, William Hartwell Macon, Griffin Stith, David Bradford, James Madison, Charles Porter, William Harrison, Benjamin Lankford, John Clarke (Prince Edward), Richard Bibb, Cuthbert Bullitt, Daniel Carroll Brent, Williamson Ball, Andrew Moore, John Hopkins, Gawin Hamilton, Isaac Zane, John Tayloe, John Whittaker Willis, Andrew Kincannon, and James Innes.

Those who voted against the Bill were: Thomas Claiborne, Miles King, Worlich Westwood, John Page, Garland Anderson, Elias Wills, William Thornton, Francis Corbin, Willis Riddick, Daniel Sandford, John Gordon, Edward Bland, Anthony Walke, George Lee Turberville, William Garrard, John Francis Mercer, Carter Bassett Harrison, Richard Cary, Jr., Wilson Cary, and Richard Lee.

The Senate amended the Bill and returned it to the House on 29 Dec.; this was precisely the same amendment that had been offered in the House two weeks earlier. This time the amendment failed of adoption by a vote of 35 to 56, a vote that, like the earlier one, reflected opposition to the preamble rather than to the Bill; for the vote in favor of the Bill on 17 Dec. included some (e.g., such a conservative as Carter Braxton) who voted in favor of the amendment on 29 Dec. There was, on the other hand, almost no shifting of position among those whose names are recorded as voting on the amendment on both 16 Dec. and 29 Dec.: Francis Peyton voted in favor of it on the former date and against it on the latter; Anthony New and John Prunty voted against it at first and then for it.

The Senate on 9 Jan. 1786 insisted on its amendment and requested a free conference on the subject of its amendment, to which the House agreed. The managers met on 12 Jan. 1786. The Senate's "objections [to the preamble]," wrote Madison, "were frivolous indeed. In order to remove them as they were understood by the Managers of the H. of D. the preamble was sent up again from the H. of D. [on 13 Jan.] with one or two verbal alterations. As an amendment to these the Senate sent down a few others, which as they did not affect the substance though they somewhat defaced the composition, it was thought better to agree to than to run further risks, especially as it was getting late in the Session and the House growing thin. The enacting clauses past without a single alteration, and I flatter myself have in this country extinguished for ever the ambitious hope of making laws for the human mind" (Madison to TJ, 22 Jan. 1786; JHD, Oct. 1785, 1828 edn., p. 12–15, 93, 94, 95, 96, 115, 117, 134, 135, 138, 139, 143–4, 148). The amendments offered by the Senate, and agreed to by the House on 16 Jan. 1786, are indicated in notes 1, 2, and 4; other amendments made either in the House or Senate are indicated in notes 7, 8, 9, and 11.

Madison and others thought these amendments rendered "the style less elegant, though the sense is not affected" (Hening, xii, 84). But Malone (I, 279) is quite correct in saying that these amendments deleted "some of the more sweeping statements about the supremacy and illimitability of reason; and, as a result, the statute did not rest on quite so broad a base as the one its author had designed."

Ironically, due to TJ himself, it was the text neither of the Bill as originally submitted nor of the Act as finally adopted that was in his day and subsequently most generally accepted as "The Act for Establishing Religious Freedom." In 1776 TJ had revealed his desire to have the world, or at least some of his friends and political associates, know the text of the Declaration of Independence as he had drafted it, and he had sent out several copies that he had laboriously copied by hand. But his pristine text was not printed at all until more than a quarter of a century had elapsed and it never came close to achieving the popularity enjoyed by the text as adopted by Congress. But the Bill for Establishing Religious Freedom fared differently: its full text as drafted by TJ was put into type six years before its altered version was enacted into law. What was more important, TJ, being in France at the time his Bill was adopted, saw to it that the famous declaration was widely distributed. It was not mere pride of authorship but pride of country as well that led him to obtain publication in Europe: "it is honorable for us," he wrote Madison, "to have produced the first legislature who has had the courage to declare that the reason of man may be trusted with the formation of his own opinions" (TJ to Madison, 16 Dec. 1786); in the same letter TJ reported that the Act "has been received with infinite approbation in Europe and propagated with enthusiasm"; that it had been translated into French and Italian, had been sent to most of the courts of

Europe, had been inserted in the *Encyclopédie méthodique*, was appearing in most of the publications respecting America, such as those of Brissot, Clavière, and Mazzei; and that it had "been the best evidence of the falshood of those reports which stated us to be in anarchy." Though his motive in promoting publication in Europe was elevated, TJ nevertheless took unwarranted liberties with the authoritative text of this immortal statute, as the following facts clearly prove.

Facsimiles of what TJ in the epitaph that he later drew up referred to as "the Statute of Virginia for religious freedom" are to be found in TJ Editorial Files: (1) *A BILL for establishing RELIGIOUS FREEDOM, I printed for the consideration of the PEOPLE*. Williamsburg, 1779]. Broadside, Boston Public Library, Evans 19350, Swem, "Va. Bibliog.," 7476, and Sabin 100041. (All three bibliographies, apparently assuming that the Bill was published under public authority in the fall of 1785 when the Bill was being debated, assign that date, the place as Richmond, and James Hayes, the public printer, as the printer. Since the Bill was undoubtedly printed in 1779, and was probably issued privately, this assignment should be changed as to place, printer and date, and probably as to publisher); (2) *An ACT for establishing RELIGIOUS FREEDOM, I passed in the assembly of Virginia in the beginning / of the year 1786*. [Paris, 1786]. Four-page pamphlet. Copy in PHI; another that TJ sent to van Hogendorp was found by Dr. Howard C. Rice, Jr., in the Van Hogendorp papers, Rijksarchief, The Hague, Sabin 100342. This text, which was sent to various persons by TJ as a separate pamphlet, was also bound in as an appendix to some copies of the first edition of *Notes on Virginia*. It was later included as an appendix to the 1787 Stockdale edition, the 1788 (first American) edition printed in Philadelphia by Prichard and Hall, and in subsequent editions of the *Notes*. The text of (5) below derives from one of these editions. (3) *Acte de la République de VIRGINIE, / qui établit la liberté de Religion*. [Paris, 1786]. Fourpage pamphlet, probably printed by Philippe-Denys Pierres (see *Ford*, II, 237). Copy in NN; another found by Dr. Rice in Van Hogendorp papers, Rijksarchief, The Hague, Sabin 100342; (4) *An ACT for establishing RELIGIOUS / FREE- / DOM, passed in the Assembly / of Virginia in the beginning of the year 1786 / [rule] / Acte de la République de VIRGINIE, / qui établit la liberté de Religion, passé / à l'assemblée de la Virginie au commen- / cement de l'année 1786*. [Paris, 1786]. Eight-page pamphlet found by Dr. Rice, in the Bibliothèque de l'Institut de France, Paris, Sabin 100344; (5) *REPUBLICAN NOTES / ON / RELIGION; / AND, / AN ACT ESTABLISHING RELIGIOUS FREEDOM, PASSED IN THE ASSEMBLY OF / VIRGINIA, IN THE YEAR 1786. / [rule] / BY THOMAS JEFFERSON, ESQUIRE, / PRESIDENT OF THE UNITED STATES. / [rule] / [ornament] / DANBURY: / PRINTED BY THOMAS ROWE. / 1803*. Twelvepage pamphlet containing extracts from Query XVII, *Notes on Virginia*, and (p. 9–11) the text of "An ACT for establishing RELIGIOUS FREEDOM, / passed in the Assembly of Virginia, in the beginning / of the Year 1786," Sabin 35914. This text, as well as the title, obviously derives from that described under (2) above. These various contemporary versions are referred to in the notes below as Text (1), Text (2), &c.

A glance at Texts (2) to (5) above is sufficient to show that they are not derived from the broadside of 1779, or from the *Report* of 1784, or even from the printed session laws of 1785. They are, in the points noted below, at variance with both the Bill and the Act. All of the English texts described above, excluding Text (1) of course, agree. All of the French texts, which vary from the English texts in one important particular but possibly were derived from one of them, agree with each other. Clearly TJ had before him a copy of the Act as adopted when he prepared this English version of 1786; it is equally clear that he also had at hand a copy of the Bill when he produced this curious hybrid text whose stemma embraced those of both Bill and Act. The following variations are to be noted. First, English Texts (2), (4), (5) do not begin, as the Act does, with the phrase "Whereas Almighty God hath created the mind free" but, as the amended Bill does, with the words "Well aware that Almighty God hath created the mind free." This incorporates *part* of the amendment indicated in note 1, below, but also restores part of the deleted initial phrase of the Bill. The French texts agree with the English in this variant reading. Second, the deletions made by amendments to the Bill as described in notes 2, 4, and 9 below are all followed in English and French Texts (2) to (5), since none of these texts contains any of the words or clauses deleted in these places or their equivalent. Third, English Texts (2), (4), (5) agree with the Bill rather than the Act as adopted by including the word "very" at the point indicated in note 8, below. Finally and curiously, French Texts (3) and (4) agree with the Bill rather than with the Act in the phraseology of the enacting clause (see note 10, below), reading: "Nous, l'Assemblée générale de Virginie, établissons pour loi...." The English Texts (2), (4), and (5), however, read as follows: "Be it therefore enacted by the General Assembly" which is neither the text of the Bill nor that of the Act as adopted (the latter does not contain the word "therefore"). Ironically, TJ himself, by accepting in part the enacting clause agreed upon by the General Assembly and by retaining the opening words ("Well aware that") of his Bill, did grammatical and structural violence to his great declaration of intellectual and spiritual freedom. It is inexplicable that the English Texts (2), (4), and (5) should have had this fault, and that the French Texts (3) and (4) should not have. The long French preamble beginning "Convaincus que le Dieu tout puissant a créé libre l'esprit de l'homme" is made grammatically and structurally sound when the enacting clause following it reads: "Nous, l'Assemblée générale de Virginie, établissons pour loi...." But the preamble of English Texts (2), (4), and (5) which begins "Well aware that Almighty God hath created the mind free" is left dangling in mid-air, without a noun or pronoun to depend on, when its enacting clause, instead of following the Bill as TJ drew it with its stately "We the General Assembly do enact," reads "Be it therefore enacted by the General Assembly."

TJ's hybrid English version of 1786, which is neither precisely that of the Bill nor that of the Act, unfortunately triumphed over the more elevated style of the former and over the legally more correct form of the latter. This version, with its unhappily dangling preamble, became established in America by the 1788 edition of the *Notes on Virginia*. The H. A. Washington edition of TJ's *Writings* unfortunately carried the hybrid text, and even the title given it in 1786—"An Act for establishing Religious Freedom, passed in the Assembly of Virginia in the beginning of the year 1786." The Commonwealth of Virginia

could go on publishing the authoritative version (e.g., *The Code of Virginia*, Richmond, 1849, p. 358–60); and Ford (II, 237–9) could print the Bill as it was in the 1784 *Report*; but when the most widely used edition of TJ's papers (L & B) repeated the incorrect text used in the Washington edition, that form became so firmly established that the authoritative or the original versions could never hope to displace it. Even scholarly editors of modern texts, such as Adrienne Koch and William Peden (*The Life and Writings of Thomas Jefferson*, New York, 1944, p. 311–13), continue to repeat the unhappy hybridization of errors that TJ propagated in 1786.

1. The preceding words in italics were deleted by Senate amendment on 16 Jan. 1786. The beginning of the Act as adopted reads: "Whereas, Almighty God hath...."

2. The preceding words in italic were deleted by Senate amendment on 16 Jan. 1786.

3. In his Autobiography TJ wrote: "Where the preamble declares that coercion is a departure from the plan of the holy author of our religion, an amendment was proposed, by inserting the word 'Jesus Christ,' so that it should read, 'a departure from the plan of Jesus Christ, the holy author of our religion' the insertion was rejected by a great majority, in proof that they meant to comprehend, within the mantle of it's protection, the Jew and the Gentile, the Christian and Mahometan, the Hindoo, and infidel of every denomination" (Ford, I, 62). There is no record in the Journals of this particular amendment.

4. The preceding words in italic were deleted by Senate amendment on 16 Jan. 1786.

5. Text (1) reads "temporal," which is clearly what TJ intended. The clerk's or printer's error which caused the *Report* to read "temporary" was repeated in the Act as adopted, thus giving legal sanction to an incorrect usage that TJ could not tolerate. Accordingly in 1786 he restored "temporal" to Text (2), a reading which was followed by the derivatives of that text. The various revisals and codifications of Virginia laws, however, have adhered to the legally correct but otherwise improper "temporary."

6. Text (1) reads: "any more than on our opinions in physicks or geometry." The error of the clerk or printer in omitting "on" in the *Report* was repeated in the Act as adopted. TJ in 1786 restored the preposition to Text (2), but at the same time the word "any" at the beginning of the clause quoted was omitted, a reading followed by the derivatives of that text. It is quite possible that this omission of the word "any" may have been made by the printer of Text (2) for no better reason than that of justifying his lines. While TJ's alterations in the text of the Act were, with this one possible exception, obviously intentional, other contemporaneous texts departed from the wording of the Act with engaging innocence either of a regard for accuracy or of respect for exact legal phraseology. The Act as printed, for example, in the *Virginia Gazette, or American Advertiser* (Richmond: James Hayes) for 22 Feb. 1786 dropped a conjunction, altered spellings, and substituted new words, such as "preacher" for "teacher," "suspicion" for "supposition," "minister" for "ministry," "habit" for "bait," "have" for "hath," and "physic" for "physicks." This particular printing is possibly the one that was sent to TJ, though the Act may also have appeared in the *Virginia Gazette and Independent Chronicle* (Richmond: Dixon & Holt) and the *Virginia Gazette & Weekly Advertiser* (Richmond: Thomas Nicholson) and may have been sent to TJ from one of these sources. Certainly the text that was printed by Isaiah Thomas as "from the Virginia Gazette" in Madison's *A Memorial and Remonstrance* (Worcester, 1786) would seem to be derived from another text than that presented in James Hayes' *Virginia Gazette*; for Thomas' text repeats only three of its many vagaries—"preacher," "minister," and "physic." The text that appeared in Hayes' newspaper bore the attestation of John Beckley, clerk of the House, and of H. Brooke, clerk of the Senate. It is quite probable, therefore, that the words "preacher," "minister," and "physic" (as well as the variation indicated in note 10, below) were clerks' errors, just as Beckley's supervision of the printing of the *Report of the Committee of Revisors* had perpetuated such errors as those pointed out in this and the preceding note.

It was Dr. Richard Price, distinguished zealot for the American cause, who surpassed clerks, printers, and even TJ himself in taking liberties with the wording of a Virginia statute. In 1786 Dr. Price distributed copies of the Act in a broadside circular as "an example of legislative wisdom and liberality never before known" (London, 1786; Sabin 100343). This printing was undoubtedly based on Text (2), though the copy of the first edition of *Notes on Virginia* that TJ inscribed and presented to Dr. Price (Paris: privately printed, 1785; this copy now in NjP) does not contain that text. Thus, taking TJ's hybrid version of the Act as his starting point, Dr. Price produced a more extensively altered text than no one, fortunately, seems to have followed. Whatever Dr. Price may have felt about the wisdom and liberality of the legislature that adopted the Act, he indubitably thought that he could improve upon the style of the law. He therefore freely struck out words and phrases, altered others, and provided many variant readings; some of these were indubitable improvements, such as his excision of the word "bait" in an otherwise exalted passage.

7. The word "also" was deleted by amendment in the House or Senate and "only" substituted for it, which is the reading of the Act as adopted. TJ, however, restored the original reading in Text (2), and this reading was followed by the derivatives of that text.

8. The word "very" is not in the Act; it may be the amendment made by the House on 16 Dec. or one of those made on 13 Jan.

9. The preceding words in italic are not in the Act and were probably deleted by the House on 16 Dec. or 13 Jan.

10. In employing this phraseology, TJ departed from the usual form for the enacting clause. "We the General Assembly of Virginia do enact" is certainly more suited to the elevated style of the Bill than "Be it enacted by the General Assembly"; but, despite Madison's statement that no alterations were made in the enacting clause, the latter is the form that was adopted. Whether this was by amendment in the House or

in the Senate is not certain. As noted above, TJ caused Text (2) to read: "Be it therefore enacted" This does not conform to the text of the Act as adopted, which omits "therefore"; but it does conform to the attested copy of the Act as printed in Hayes' *Virginia Gazette* for 22 Feb. 1786. This seems to confirm the suggestion advanced in note 6, above, that TJ made use of a newspaper text of the Act as he was engaged in preparing Text (2).

11. The Act reads: "to declare this Act to be irrevocable ..."; all other texts, except those appearing in revisals and codifications of Virginia law, omit the words "to be." These two words were apparently inserted by amendment, but were deleted by TJ when he prepared Text (2) and are not to be found in any of the derivatives of that text.

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