



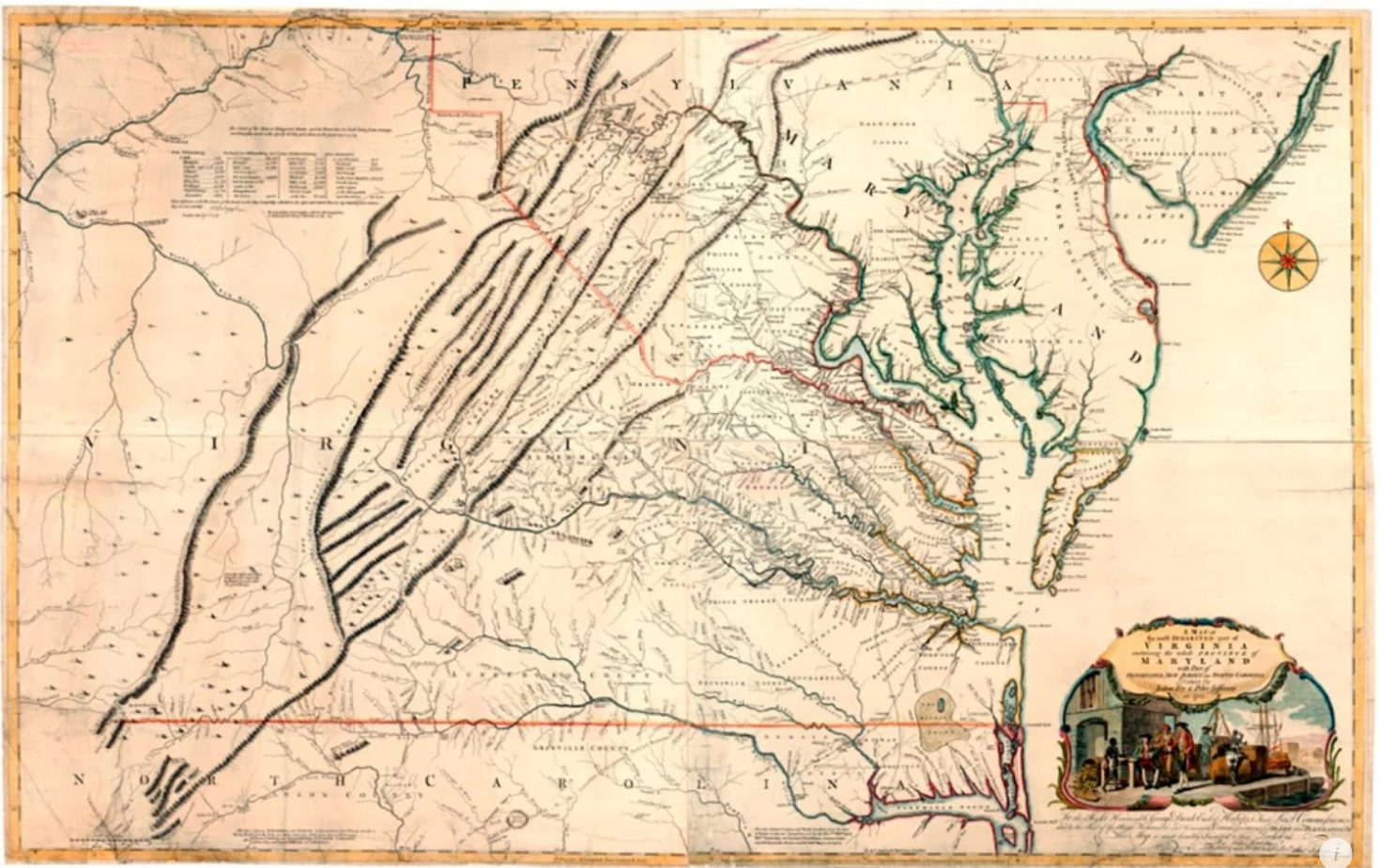
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RELIGIOUS LIBERTY IN VIRGINIA: HOW “DISSENTERS” PARLAYED OPPRESSION INTO FREEDOM

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Virginia's role in helping to spearhead disestablishment and religious freedom has not received the treatment it deserves although it was, itself, a moving force behind Virginia's entrée into the revolution. It was, in fact, Virginia which ultimately spearheaded and codified separation of church and state, after a reform movement which itself played a significant role in Virginia's joining the independence movement.

That assessment has been eclipsed by other factors such as Dunmore's War of 1774, or the various British Acts of Parliament such as the Stamp Act of 1775. Among the few scholars who have taken up its examination, for example, has been John Rogasta in his *Wellspring of Liberty*, who recognizes dissenters' struggles as being of prime importance to understanding Virginians then laboring under the dominance of Anglican authority as they moved inexorably into the independence movement. That struggle, burnished by a sense of defiance, helped lead them into the Revolution and beyond. Thus, that struggle deserves a rightful place among the major factors helping to fuel Virginia's entrance into the war. That requires some explanation.

Among recruiters' greatest challenges in 1776, following the Siege of Boston and the resultant melting away of the *rage militaire*, was finding men who would enlist to continue the fight for American Independence. In Virginia that challenge was particularly vexing not only because of the imposed quotas of the Continental Congress — which were never met by any colony — but because of Virginia's religious composition and the omnipresence of the Anglican church.

In Colonial Virginia, the power and influence of the Church of England was sewn into the very fabric of everyday life, not least because so many members of the House of Burgesses were its most stalwart supporters and members. Yet, by the time of the Revolution estimates show that "dissenters" — that is, non-Anglican colonists who were either Baptist, Presbyterian, or some other sect — had become a sizeable portion of the population, the Baptists being the most vilified.^{[1](# edn1)} Aside from their obnoxious, noisome gatherings and their lack of educational refinements (Anglican ministers were typically educated in Westminster College than shipped to America to fill posts; many Baptist ministers typically had no education other than knowing their Bible), there was the odious Baptist habit of preaching to the enslaved, having no compunction about ministering to them and calling them "brother" at their open-air meetings.^{[2](# edn2)} These open-air sermons, particularly those by evangelicals of the Separatist strain, stood in sharp and offensive contrast to their Anglican counterparts whose sermons were restricted to church pulpits.^{[3](# edn3)}

This social clash defined much of colonial Virginia life. While taxes and other fees supported Anglican priests' salaries, their glebe lands and their churches, dissenters often gathered secretly in individual homes and were fined for not attending mandatory Anglican services. Anglican marriages were performed by numerous Anglican priests, marriages between dissenters, however, required either finding a minister of their faith (usually only one dissident minister was permitted per county), or paying a substantially higher fee than an Anglican would to an Anglican priest for the same service. Worse, county clerks were under no obligation to record such ceremonies in county marriage registries, although marriage license applicants were nevertheless required to pay the filing fee for a license.^{[4](# edn4)} And those were just a few of the civil abuses.

Among the catalog of physical abuses suffered by dissidents were physical assaults, imprisonment for preaching without a license; imprisonment for preaching to the enslaved, assaults upon their churches by fire or disruption, and assaults upon their congregations, to which their petitions to the General Assembly as well as other documents give legions of evidence. At least six Baptist ministers, for example, were in Culpeper County's jail, according to a letter written by James Madison, writing from his home in adjoining Orange County.^{[5](# edn5)} These dissidents were, in reality, an oppressed class both socially and politically, yet comprised a sizeable portion of the poor white population — the same population from which enlistments would be drawn by the states.

From this divided set of religious classes, recruitment efforts were expected to play out according to the terms of the Second Continental Congress's "eighty-eight battalion resolve," passed in September 1776, which introduced military quotas based on perceived population figures. Virginia had an estimated population of 500,000 and therefore was assigned a quota of fifteen battalions — some 5,700 men — at a time when one battalion equaled roughly ten

companies of thirty-eight men each by British standards (although as an organizing concept it was used sloppily by colonists) for the coming fighting season of 1777.^[6]^(# edn6)

Military historians such as James K. Martin and Mark E. Lender have made it clear that those who served in the non-officer corps of these battalions, particularly from 1777 onward, were mostly from the lower classes.^[7]^(# edn7) Other historians have found compelling evidence that this trend continued into the later war years by surveying extant draftee class lists. Benjamin Colvin, for example, a draftee from Culpeper County, Virginia, was among the poorest of his class, not even in possession of a horse.^[8]^(# edn8) Yet he served in the final battles of the Southern Campaign in 1781 at Yorktown, according to his service records and pension files.^[9]^(# edn9) In 1774 (the same year as Dunmore's War), Benjamin, like many "lower sorts," was among those who often made up the bulk of dissenters in the Virginia religious landscape. In Benjamin's case, this name appears along with his son's on the largest Baptist petition ever sent to the Virginia Assembly asking it to do something about the Anglican abuses – the so-called "Ten-thousand names" petition sent in October 1776.^[10]^(# edn10) This is the same year Washington became desperate to increase troop strength. Those at the forefront of the struggle for dissenter's religious liberty, however, sensed an emerging political opportunity, and took their stance publically in the *Virginia Gazette*.^[11]^(# edn11)



<https://i0.wp.com/allthingsliberty.com/wp-content/uploads/2016/09/petition.jpg>
"Ten-thousand name" petition
by Dissenters from Virginia, for
institution of religious equality.
(Library of Congress)

In these distressed times, in which our American rights, both civil and religious, are invaded, it is well to adopt that late maxim among politicians, 'United we stand, divided we fall.' To that end, the dissenters, (equally attached to America's liberty,) ought to petition their rulers for the removal of that yoke, that in these fearce [sic] times, it becomes more grievous, in paying the established clergy, and being still obliged to have the solemnization of matrimony performed by them. A word to the wise is enough. – a Dissenter of the Church of England.

The sentiments of this anonymous writer in 1776 served as a bellwether of eventual dissident actions as non-Anglicans began to stake their claim to religious liberty. Ultimately that growing awareness of entitlement to the same rights enjoyed by Anglicans served as a strong enticement for delegates that year at the 5th Virginia Convention in Williamsburg to adopt Article 16 in its draft of its Declaration of Rights.^[12]^(# edn12) It's most striking language, however, not only granted religious tolerance, but conferred a moral obligation on the colony's inhabitants to do so:

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 toward each other.^[13]^(# edn13)

Although that clause signaled unheard of tolerance for dissenters, it hardly provided an end to Anglican monopoly and oppression. Prince William County dissenters in particular saw this, and took the opportunity to call to delegates' attention how religious freedom and the ongoing effort to recruit for Washington's Army, (desperate now for draftees) were inexorably tied together. In their petition, sent to Williamsburg on the heels of the new Declaration of Rights, petitioners were explicit, telling their delegates, "we will gladly unite with our Brethren of other denominations, and to the utmost of our ability, promote the common cause of Freedom."^[14]^(# edn14) In one sense, the petitioners were calling the delegates' bluff, even as they provided themselves with a bargaining chip. It was, in some ways, a masterstroke. They would fight in the independence movement to free the colonies from Imperial rule; the ministers would even join in efforts for recruitment using their public pulpits to rally draftees for the cause. Their price? Religious liberty. Why? For dissenters, British tyranny and Anglican religious monopoly in Virginia were indistinguishable.

To fulfil their end of the bargain, dissenter ministers mobilized enlistment among their own on an impressive scale in Virginia. Their numbers were unmatched by Anglicans there and unparalleled elsewhere in the southern colonies by any religious group.^{[15](# edn15)} In 1776, for example, for the fifteen needed battalions, Baptists alone raised more than 800 men compared to Anglicans who raised fewer than 500.^{[16](# edn16)} It's difficult to imagine that as these enlistees mustered into their respective companies, the idea of their own religious liberty, bundled up as it was with their greater yearning for freedom from British tyranny, was not part of their motivation, given what they had endured up to this point. It's difficult to imagine, moreover, that such motivations, overall were not part of what drove Virginia into the Revolution and what kept her enlistees there until its conclusion in 1781. Unfortunately, but for a few recent attempts to more closely examine this aspect of Virginia and her entrance into the Revolution, many scholars have given minimal attention to this driving force.

Moreover, although many historical assessments include key elements to explain Virginia's entrance into the Revolution they exclude others that are just as significant. Neo-progressive historians have begun exploring these new elements, some with mixed results. Nevertheless, clearly Virginia was in the vanguard among the colonies in recognizing religious liberties, just as it was in the forefront of recognizing and codifying others.

^{[1](# ednref1)} John A. Ragosta, *Wellspring of Liberty: How Virginia's Religious Dissenters Helped Win the American Revolution & Secure Religious Liberty* (New York: Oxford University Press, 2010), 20-21. Ragosta estimates the dissident population at one-fifth to one third of the population. He also notes that Thomas Jefferson's estimates of "two-thirds" while promoting his Religious Freedom bill in 1781-82, was likely an exaggeration. James Madison, in writing to Baptist separatist leader William Bradford in 1774, showed a considerable repugnance for what he called the "diabolical" persecution of dissidents in Virginia, especially since it was occurring near his plantation. See James Madison to William Bradford, January 24, 1774, *The Papers of James Madison* (Chicago: University of Chicago Press, 1962-1977), I: 106.

^{[2](# ednref2)} Keith E. Durso, *No Armor for the Back: Baptist Prison Writings, 1600s-1700s* (Macon: Mercer University Press, 2007), 224-226.

^{[3](# ednref3)} Monica Najar, "Sectarians and Strategies of Dissent in Colonial Virginia," *From Jamestown to Jefferson: The Evolution of Religious Freedom in Virginia* (Charlottesville: University of Virginia Press, 2011), 108-133.

^{[4](# ednref4)} Evidence for this discriminatory practice is found throughout early Virginia marriage records where one finds recordings in clerk's records of many marriage bonds and notes of parental consent but a conspicuous dearth of ministers' returns. A sample can be obtained by examining Fauquier Co., Virginia Marriage Bonds & Returns Volume 1, 1759-1800. This dearth has often left genealogists, for example, with the erroneous impression that a marriage being investigated never occurred.

^{[5](# ednref5)} Lewis Peyton, *Imprisoned preachers and religious liberty in Virginia, a narrative drawn largely from the official records of Virginia counties, unpublished manuscripts, letters, and other original sources* (Lynchburg: J. P. Bell, 1938), 419.

^{[6](# ednref6)} Robert K. Wright, Jr., *The Continental Army* (Washington, D.C.: Center of Military History, 1983), 5:91, full text online at <http://www.history.army.mil/books/RevWar/ContArmy/CA-fm.htm> (<http://www.history.army.mil/books/RevWar/ContArmy/CA-fm.htm>) For a table regarding Revolutionary-era unit definitions see Worcester Polytech Institute, Department of Military Science website, "British and Colonial Unit Definitions for the Revolutionary War," <http://www.wpi.edu/academics/military/units.html> (<http://www.wpi.edu/academics/military/units.html>). For the colonists, there

was no standard description for a battalion size until 1778 when these numbers were introduced by Baron Von Steuben in his efforts to organize the Continental Army. Among Steuben's chief complaints was the sloppy way in which the divisional concepts were used, about which he wrote bitterly shortly after his arrival at Washington's winter encampment at Valley Forge: "... the words company, regiment, brigade, and division were so vague that they did not convey any idea upon which to form a calculation, either of a particular corps or of the army in general. They were so unequal in numbers that it would have been impossible to execute any maneuver." See United States Congressional serial set, Issue 6486 (University of California, 1914), 143.

[7](# ednref7) James K. Martin, Mark E. Lender, *A Respectable Army: The Military Origins of the Republic 1763-1789* (Arlington: Harlan Davidson, 2006), 89-92. See also Charles Niemeyer, *America Goes to War: A Social History of the Continental Army* (New York: NYU Press, 1996), 159-160. See also Michael A. McDonnell, "Popular Mobilization and Political Culture in Revolutionary Virginia: The Failure of the Minutemen and the Revolution from Below," *The Journal of American History*, Vol. 85, No. 3 (Dec., 1998): 946-981.

[8](# ednref8) John R. Atta, "Conscription in Revolutionary Virginia: The case of Culpeper County, 1780-1781," *The Virginia Magazine of History and Biography*, 92:3 (July 1984), 263-281. According to Atta, despite quotas in place, they were typically not filled. Virginia, for example, in 1777 sent only 5,744 of its required 10,200, soldiers and even though its percentages improved slightly with each successive war year, like most states, it never satisfied its actual quotas. There are numerous reasons for this, including how the draft was itself designed and later executed. However, what intrigued Atta more, was how personal wealth (or a lack of it) played a role in draftee selection, and particularly how his economic standing impacted a draftee's ability to use substitutes. Atta also hoped to extract from the records what might motivate someone to serve as a substitute.

[9](# ednref9) Pension application of Benjamin Colvin, July 22, 1833 (1-9), fold3.com. A faithful transcription is available at C. Leon Harris's online database, *Southern Campaign Revolutionary War Pension Statements & Rosters*, <http://revwarapps.org/index.htm>(<http://revwarapps.org/index.htm>).

[10](# ednref10) "Ten-thousand names" petition, October 16, 1776, Library of Congress American Memory webpage <http://memory.loc.gov/cgi-bin/ampage?collId=relpet&fileName=000/013/013page.db&recNum=0>(<http://memory.loc.gov/cgi-bin/ampage?collId=relpet&fileName=000/013/013page.db&recNum=0>). At least one estimate by Ragosta finds that no less than ten percent of the adult white male population in Virginia was represented on the petition. See Ragosta, *Wellspring of Liberty*, 56.

[11](# ednref11) *Virginia Gazette* (Purdie), April 26, 1776.

[12](# ednref12) "Virginia Declaration of Rights," transcription, final draft, adopted June 12, 1776, Virginia Convention, George Mason & Historic Human Rights Documents Collection, <http://www.gunstonhall.org/index.php/george-mason/rights-documents>(<http://www.gunstonhall.org/index.php/george-mason/rights-documents>).

[13](# ednref13) http://www.archives.gov/exhibits/charters/virginia_declaration_of_rights.html(http://www.archives.gov/exhibits/charters/virginia_declaration_of_rights.html)

[14](# ednref14) "Prince William County petition", June 20, 1776, Library of Congress, American Memory, http://memory.loc.gov/cgi-bin/ampage?collId=relpet&fileName=000/010/010page.db&recNum=0&itemLink=P?relpet:1:/temp/~ammem_u4n3(http://memory.loc.gov/cgi-bin/ampage?collId=relpet&fileName=000/010/010page.db&recNum=0&itemLink=P?relpet:1:/temp/~ammem_u4n3).

[15](# ednref15) County Response to Mobilization in 1776, Table 4.1, Ragosta, *Wellspring of Liberty*, 99-101.

[16](# ednref16) Ibid, 99-102.

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