The Works of Thomas Jefferson

Collected and Edited by Paul Leicester Ford

Volume II

G. P. Putnam's Sons
New York and London
The Knickerbocker Press
1904
REPORT OF THE REVISORS

1779

In 1776, as Jefferson states in his Autobiography, (i., 66), he introduced a bill in the General Assembly, creating a committee to revise and codify the laws of the state. The committee, consisting of Jefferson, Pendleton, Wythe, George Mason, and Thomas L. Lee, met at Fredericksburg, Jan. 13, 1777, and outlined a plan (partly printed in Rowland's Life of Mason, i., 276) settling certain details, and apportioning the work among the revisors. Both Mason and Lee resigned before the code was fairly commenced; but the remaining three worked on the revisal for over two years, finally meeting again at Williamsburg in Feb., 1779, where, Jefferson states (Autobiography), they "examined critically our several parts, sentence by sentence, scrutinizing and amending until we had agreed on the whole. We then returned home, [and] had fair copies made of our several parts." A letter of Pendleton, however, gives a different version of this (Pendleton to Jefferson, May 11, 1779):

"I immediately wrote to our friend W. to be informed if anything had happen'd, or passed between you & him, which made it necessary for me to
attend further to the work of Revisal, contrary to what had been agreed to between Us, that you should settle our diversity of Opinions upon the Bills he had prepared, as well as mine, which he chose to consider by himself, & Point out for your Examination any alterations he judged proper, & then they were to be fairly transcribed as well as yours, which we had before gone through & reported. I let him know that I was ready to attend him at any time, if such Occurrences had made it necessary; he answered that no Alteration was made in that plan & I was satisfied."

Finally they reported the results of their work to the Assembly in the following letter:

**Williamsburg, June 18, 1779.**

*SIR,—The committee appointed in pursuance of an act of General Assembly, passed in 1776 intituled “An act for the revision of the laws,” have according to the requisitions of the said act, gone through that work, and prepared 126 bills, the titles of which are stated in the enclosed catalogue. Some of these bills have been presented to the House of Delegates in the course of the present session, two or three of them delivered to members of that House at their request to be presented, the rest are in the two bundles which accompany this; these we take the liberty through you of presenting to the General Assembly.

In the course of this work we were unfortunately deprived of the assistance and abilities of our asso-
ciates appointed by the General Assembly, of the one by death, of the other by resignation. As the plan of the work had been settled, and agreeable to that plan it was in a considerable degree carried into execution before that loss, we did not exercise the powers given us by the act, of filling up the places by new appointment, being desirous that the plan agreed on by members who were specially appointed by the Assembly, might not be liable to alteration from others who might not equally possess their confidence, it has therefore been executed by the three remaining members, one of whom being prevented from putting his signature hereto, by the great distance of his residence from this city, has by letter authorized us to declare his concurrence in the report.

We have the honor to be with the utmost respect, sir, your most obedient and most humble servants,

T. Jefferson,
G. Wythe.

For some reason the Assembly neglected the Report of the Revisors for some years; but finally, in 1784, Madison succeeded in getting 500 copies of it printed, and at the sessions of 1785 and 1786, fifty-six out of the one hundred and twenty-six bills, which constituted the collection, were, after amendment, made laws (see Hening, xii.).

The part assigned to Jefferson in this work was "to undertake the first part ('the first period in the division of the statutes to end with 25th, H. 8th') with the law of descents."
After consideration, the editor has concluded to print only the most notable of the bills Jefferson drafted for this Revisal, as many are of a merely formal and routine character, and he himself wrote of the collection (to Hogendorp, Oct. 13, 1785):

"If you had formed any considerable expectations from our revised code of laws you will be much disappointed. It contains not more than three or four laws which could strike the attention of a foreigner. Had it been a digest of all our laws, it would not have been comprehensible or instructive but to a native. But it is still less so, as it digests only the British statutes & our own acts of assembly, which are but a supplementary part of our law. The great basis of it is anterior to the date of the Magna charta, which is the oldest statute extant. The only merit of this work is that it may remove from our book shelves about twenty folio volumes of our statutes, retaining all the parts of them which either their own merit or the established system of our laws required."

but the same be made useful by indulging the researches of the learned and curious, within the said library, without fee or reward, and under such rules for preserving them safe and in good order and condition as the visitors shall constitute.

Sect. V. The visitors shall annually settle their accounts with the Auditors and leave with them the vouchers for the expenditure of the monies put into their hands.

A BILL FOR ESTABLISHING RELIGIOUS FREEDOM

(Chapter LXXXII)

Section I. Well aware that the opinions and belief of men depend not on their own will, but follow involuntarily the evidence proposed to their minds; that Almighty God hath created the mind free, and manifested his supreme will that free it shall remain by making it altogether insusceptible of

This bill was Jefferson's particular pride, and ranked in his mind with the Declaration of Independence. It was originally introduced to the Assembly June 13, 1779, and was promptly the subject of memorials, both pro and con, to that body. Evidently the majority of the members agreed with one of these memorials, which styled it a "diabolical scheme," for it was laid over from session to session till 1786, when, by the foolish attempt of the "state-church" party to obtain a general assessment, the Assembly re-acted, and passed this bill into law, after first partially substituting a clause of the Virginia Declaration of Rights in place of Jefferson's original wording. Jefferson, then in Paris, promptly had an edition printed with the title:


In the same year it was again printed in Paris as:


It was again printed as:

Republican Notes on Religion; And An Act Establishing Religious
restraint; 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, who being lord both of body and mind, yet choose not to propagate it by coercions on either, as was in his Almighty power to do, but to exalt it by its influence on reason alone; that the impious presumption of legislature and ruler, 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, 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


The Act was criticised by Pelatiah Webster in:


As finally adopted it is in *Hening*, xii., 84. Cf. Jefferson's *Autobiography*, i., 70; and *Letters of Madison*, i., 208, 213.
powers he feels most persuasive to righteousness; and is withdrawing from the ministry those temporary 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 than our opinions in physics or geometry; and therefore the proscribing any citizen as unworthy the public confidence by laying upon him an incapacity of being called to offices of trust or emolument, unless he profess or renounce this or that religious opinion, is depriving him injudiciously of those privileges and advantages to which, in common with his fellow-citizens, he has a natural right; that it tends also to corrupt the principles of that very religion it is meant to encourage, by bribing with a monoploy of worldly honours and emoluments, those who will externally profess and conform to it; that though indeed these are criminals 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; 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
suffer 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.

Sect. II. We the General Assembly of Virginia do enact 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, or 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.

Sect. III. And though we well know that this Assembly, elected by the people for their 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 operations, such act will be an infringement of natural right.