

# ST. CLEMENT'S INN OF COURT

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### “A History of the Anglican Church—Part XLIII: An Essay on the Role of Christian Lawyers and Judges within the Secular State”©

By

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-- Rev. Algernon Sidney Crapsey (Anglican Priest)

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The ideas expressed in this Apostolate Paper are wholly those of the author, and subject to modification as a result of on-going research into this subject matter. This paper is currently being revised and edited, but this version is submitted for the purpose of sharing Christian scholarship with clergy, the legal profession, and the general public.

## PREFACE

The organized Christian church of the Twenty-First Century is in crisis and at a crossroad. Christianity as a whole is in flux. And I believe that Christian lawyers and judges are on the frontlines of the conflict and changes which are today challenging both the Christian church and the Christian religion. Christian lawyers and judges have the power to influence and shape the social, economic, political, and legal landscape in a way that will allow Christianity and other faith-based institutions to evangelize the world for the betterment of all human beings. I write this essay, and a series of future essays, in an effort to persuade the American legal profession to rethink and reconsider one of its most critical and important jurisprudential foundations: the Christian religion. To this end, I hereby present the sixtieth essay in this series: “A History of the Anglican Church—Part LVIII.”

## INTRODUCTION<sup>1</sup>

Significantly, the Church of England is the great *spiritual mother* of Anglo-American constitutional law and jurisprudence. This spiritual mother nourished the English common law—including, inter alia, Magna Carta of 1215, the Petition of Right of 1628, the English Bill of Rights of 1689, etc.—for more than a thousand years! Through the Church of England, the “law of Christ”<sup>2</sup> was woven deeply into England’s chancery and equity jurisprudence. But this great fact of legal and ecclesiastical history has been significantly obscured and altogether hidden from plain view. Indeed, modern-day American historians, lawyers, and judges are well-nigh completely ignorant of this ecclesiastical foundation of Anglo-American jurisprudence. This ignorance is due in large part to the fact that when the Society for the Propagation of the Gospel in Foreign Parts (SPG) tried *but failed*, between the period 1701 to 1785, to re-establish the orthodox Anglican faith upon American soil, the history of the Christian legal heritage within American jurisprudence became obscured, if not altogether lost, to the American bar and

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<sup>1</sup> This paper is dedicated to the memory of Anglican clergyman **Rev. Dr. Thomas Bray** (1656- 1730). “Thomas Bray... was an English clergyman and abolitionist who helped formally establish the Church of England in Maryland, as well as the Society for the Propagation of Christian Knowledge and Society for the Propagation of the Gospel in Foreign Parts.... “Bray took a great interest in colonial missions, **especially among the slaves and Native Americans, writing and preaching vigorously against slavery and the oppression of Indians.**””

[https://en.wikipedia.org/wiki/Thomas\\_Bray](https://en.wikipedia.org/wiki/Thomas_Bray). This paper is also dedicated to **Dr. Michael Joseph Brown**, President of Payne Theological Seminary (Wilberforce, Ohio) and to the future development of African Methodism. .

<sup>2</sup> The fundamental “Law of Christ,” to wit, is to “love ye one another” (John 15:12); to do justice and judgment (Genesis 18:18-19; Proverbs 21: 1-3); to judge not according to appearance but to judge righteous judgments (John 7:24); and to do justice, judgment, and equity (Proverbs 1:2-3).

bench. This lost Christian jurisprudence was, in essence, that traditional “catholic” Anglican jurisprudence known as the “English Common Law,” as reflected in Table 1, below, and which was also referred to as the “law of Christ”<sup>3</sup> or as “the fundamental law” of the commonwealth.

**Table 1. Thomas Woods, *Institutes of the Laws of England* (1720)**

“As Law in General is an Art directing to the Knowledge of Justice, and to the well ordering of civil Society, so the Law of England, in particular, is an Art to know what is Justice in England, and to preserve Order in that Kingdom: And this Law is raised upon ... principal Foundations.

1. Upon the **Law of Nature**, though we seldom make Use of the Terms, *The Law of Nature*. But we say, that such a **Thing is reasonable, or unreasonable, or against the....**

2. Upon the **revealed Law of God**, Hence it is that our Law punishes Blasphemies, Perjuries, & etc. and receives the Canons of the Church [of England] duly made, and supported a spiritual Jurisdiction and Authority in the Church [of England].

3. The third Ground are several general *Customs*, these Customs are properly called the *Common Law*. Wherefore when we say, it is so by **Common Law**, it is as much as to say, by common Right, or of common Justice.

Indeed it is many Times very difficult to know what Cases are grounded on the **Law of Reason**, and what upon the *Custom* of the Kingdom, yet we must endeavor to understand this, to know the perfect Reason of the Law.

*Rules concerning Law*

The *Common Law* is the **absolute Perfection of Reason**. For nothing that is contrary to Reason is consonant to Law

Common Law is common Right.

The Law is the Subject’s best **Birth-right**.

The Law respects the **Order of Nature....**”

Source: Thomas Wood, LL.D., *An Institute of the laws of England: or, the Laws of England in their Natural Order* (London, England: Strahan and Woodall, 1720), pp. 4-5.

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<sup>3</sup> Ibid.

As reflected in Wood’s *An Institute of the Laws of England*, the divine attributes of God—as mediated through the Church of England—were reflected in the traditional English common law and systems of jurisprudence. See, below, Table 2, “English Common Law and God’s Divine Attributes as Law.”

**Table 2. English Common Law and God’s Divine Attributes as Law**

<b>18<sup>th</sup>-Century System of English Jurisprudence</b>	<b>God’s Divine Attributes as Law</b>
<b>Eternal Law</b>	<p>God is Truth.</p> <p>God is without beginning or end; He is infinite.</p> <p>God is everywhere; He is omnipresent.</p> <p>God is the First Cause; He is the Creator of all things.</p> <p>God is all-powerful; He is omnipotent</p> <p>God is all-knowing; He is omniscient</p> <p>God is Holy; He is righteous and just.</p> <p>God is Love; He is merciful.</p> <p>God is Sovereign—He is the Lord of nature and natural law.</p> <p>God is Wise— He made all things according to his wisdom and understanding.</p> <p>God is Reason; He is the divine <i>logos</i> (i.e., the “Word”). His natural and divine laws may be understood through <i>reason</i>. (E.g., <b>Jesus Christ</b> is the <i>logos</i>; the Word of God.)</p>
<b>Divine Law</b>	<p>Sacred Scriptures; Torah; Koran; Catholic Bible; Protestant Bible; etc.—these Texts teach human beings about the “Divine Attributes” of God.</p>

<p><b>Natural Law</b></p>	<p>God is the Creator of Nature and all natures. The natures of all things reflect God’s eternal law and sovereignty and wisdom.</p>
<p><b>Human Law</b></p>	<p>Human law is the human <i>reason</i>.</p> <p>According Chief Justice Edward Coke, human law (i.e., the English Common Law) is the perfection of <i>reason</i>; it is also complex “artificial” <i>reason</i> that based upon basic natural <i>reason</i>.</p> <p>God is also <i>Reason</i>.</p> <p>“Reason” is therefore true religion.</p> <p>In the Gospel of John and in Greek theology, “reason” is called the “logos” or the “word” or “God’s word” or the “word of God.”</p> <p>According to orthodox theology, Jesus Christ is the divine <i>logos</i> (i.e., the “<i>Word of God</i>” made flesh).</p> <p>The 18<sup>th</sup> Century which produced the “<i>Age of Reason</i>” whereby the Founding Fathers laid the foundations for modern democratic-republics (i.e. the <i>Declaration of Independence</i>, which says: “When in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the <b>Laws of Nature and of Nature's God</b> entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation. We hold these truths to be self-evident, <b>that all men are created equal</b>, that they are <b>endowed by their Creator with certain unalienable Rights</b>, that among these are <b>Life, Liberty and the pursuit of Happiness.</b>”)</p>

Thus, the English common law (and England’s system of jurisprudence in general), at least during the 18<sup>th</sup> century, incorporated all of the orthodox Christian ideals of God’s sovereignty, divinity, creation, nature, reason, and authority. This mystical element is perhaps best explained by St. Augustine of Hippo, who writes, “[n]or does [God] will afterward what he did not will before, nor does he cease to will what he had willed before. Such a will would be mutable and no mutable thing is eternal. But our god is eternal”<sup>4</sup>; “[f]or you, lord, most righteous ruler of the universe, work by a secret impulse...”<sup>5</sup>; “‘In the beginning was the word, and the word was with god, and the word was god. The same was in the beginning with god. All things were made by him; and without him was not anything made that was made’”<sup>6</sup>; “‘[i]s truth, therefore, nothing, because it is not diffused through space—neither finite nor infinite?’ And you cried from afar, ‘I am that I am’”<sup>7</sup>; “—then when I inquired how it was that I could make such judgments (since I did, in fact, make them), I realized that I had found the unchangeable and true eternity of truth above my changeable mind”<sup>8</sup>; “this power of reason within me...cried out that the unchangeable was better than the changeable”<sup>9</sup>; “[b]y having thus read the books of the Platonists, and having been taught by them to search for the incorporeal truth, I saw how your invisible things are understood through the things that are made”<sup>10</sup>; “that all things are from you, as is proved by this sure cause alone: that they exist”<sup>11</sup>; and “[y]our law is the truth and you are truth.”<sup>12</sup> This “catholic” theology was the foundation of the Church of England, which laid the foundation of England’s *fundamental constitutional law*.

Have today’s best and brightest un-Christian and humanistic lawyers and judges— men and women who detest the Christian foundations of the English common law, together with churches, bibles, pastors and sermons—disproved the essence of this English system of law and jurisprudence?<sup>13</sup>

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<sup>4</sup> St. Augustine, *Confessions* (New York, N.Y.: Barnes & Nobles Classics, 2007), p. 214.

<sup>5</sup> *Ibid.*, p. 97.

<sup>6</sup> *Ibid.*, p. 98.

<sup>7</sup> *Ibid.*, p. 101.

<sup>8</sup> *Ibid.*, p. 104.

<sup>9</sup> *Ibid.*

<sup>10</sup> *Ibid.*, p. 106.

<sup>11</sup> *Ibid.*

<sup>12</sup> *Ibid.*, p. 48.

<sup>13</sup> In other words, have modern-day lawyers and judges disproved the idea that law is the manifestation of reason and nature; or have they disproved the idea that reason and nature is the manifestation of the laws of Creation; or have they disproved the eternal laws of Creation which show that “reason” pre-exists our human existence? Nay, “Creation” and “Reason” pre-date and pre-exist the best and brightest of “human reason,” and they are far superior to “human reason.”

This system of English law presupposes a “natural law” (i.e., the law of reason) that is outside of, and above, human reason and human law.<sup>14</sup> This “natural law” is higher than “human law.” And “human law” exists to implement this “natural law” (i.e., the law of reason). See, e.g., Table 3, above, “Human Law,” citing the American *Declaration of Independence*. For this reason, the commands of emperors and kings, the customary and common laws of nations, statutes and all other forms of human law must give way to a higher moral law of God (i.e., equity). As St. Augustine explains, within the orthodox Christian worldview, there is a natural hierarchy of law:

Thus, what is agreed upon by convention, and confirmed by custom or the law of any city or nation, may not be violated at the lawless pleasure of any, whether citizen or stranger. For any part that is not consistent with its whole is unseemly. Nevertheless, when [G]od commands anything contrary to the customs or compacts of any nation, even though it were never done by them before, it is to be done; and if it has been interrupted, it is to be restored; and if it has never been established, it is to be established. For it is lawful for a king, in the state over which he reigns, to command that which neither he himself nor anyone before him had commanded. And if it cannot be held to be inimical to the public interest to obey him—and, in truth, it would be inimical if he were not obeyed, since obedience to princes is a general compact of human society—how much more, then, ought we unhesitatingly to obey [G]od, the governor of all his creatures! For, just as among the authorities in human society, the greater authority is obeyed before the lesser, so also must god be above all.<sup>15</sup>

Thus, within the 18<sup>th</sup>-century English juridical system, which subscribed to the same Augustinian conceptualization of law, “human laws” were both inferior and subordinate to “natural law” or “the law of reason.” Of course, there is “inferior human reason” and “superior human reason,” but within 18<sup>th</sup>-century English juridical thought, all human reason was finite and imperfect, and subordinate to a Higher Reason that was above human reason, and that pre-dates the existence of human reason.

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<sup>14</sup> Ibid.

<sup>15</sup> St. Augustine, *Confessions* (New York, N.Y.: Barnes & Nobles Classics, 2007), p. 36.

The English common law was also described as “reason” or the “perfection of reason.”<sup>16</sup> This juridical idea was “catholic” and Christian, because it brought together two important ideals or definitions of “reason”—*logos* or reason as philosophy (i.e., the ancient Greek philosophy), and the *logos* or reason as deity (i.e., reason as “Word” of God and as the manifestation of Christ in the flesh). So that by the early 18<sup>th</sup> century, “reason” became synonymous with the God of Reason, the Age of Reason, and so forth.

In other words, the one attribute which God had, and which attribute all Christians and nearly everyone else could agree upon, was that a God of Reason formed and shaped the universe with definite discoverable principles, whether they be in the form of mathematics, science, or some other form of *natural philosophy*. Thus, by the late 18<sup>th</sup>-century, God’s attribute of “*reason*” became the one divine attribute which nearly everyone -- the orthodox Christians, the Deists, the agnostics, the other Christian dissenters or nonconformists, and other non-believers—could agree upon. The general consensus in the 18<sup>th</sup> century was that the law of reason (i.e., the law of nature) should be the foundation of the Anglo-American legal and constitutional system.

Even today, nearly all lawyers and judges seem to agree: the law should be based upon *reason*, and that all human beings should *act reasonably* or conduct all of their affairs and actions within a *reasonable* manner. But this begs the question, What is *reason*? Is racism *reasonable*? Is commercial self-interest *reasonable*? Was African slavery in North America, when considered from the perspective of the European and American merchants and landowners who financially benefited from that institution, *reasonable*? U.S. Supreme Court Justice Oliver Wendell Holmes, Jr.<sup>17</sup> teaches us in *The Common Law*, that the policy objectives of the

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<sup>16</sup> Jesus of Nazareth, as the Son of God, was believed to be the essence of “Reason” or “the Word,” which is the divine “Logos.” See, e.g., John 1:1-3. See, also, “Aquinas on Law,” <https://people.wku.edu/jan.garrett/302/aquinlaw.htm> (where Saint Thomas Aquinas describes law as “a certain rule and measure of acts whereby man is induced to act or is restrained from acting.” (q90, a1) Because the rule and measure of human actions is reason, law has an essential relation to reason; in the first place to divine reason; in the second place to human reason, when it acts correctly, i.e., in accordance with the purpose or final cause implanted in it by God.”) See, also, Sir Edward Coke (1552-1634), former Chief Justice of England and Wales, who says that “[r]eason is the life of the law; nay, the common law itself is nothing else but reason... The law, which is perfection of reason.”

<sup>17</sup> Oliver Wendell Holmes, Jr. (1841 – 1935) was an Associate Justice on the U.S. Supreme Court. He is the author of *The Common Law*, which was originally published 1881, before Holmes was appointed the Supreme Court. Holmes endorsed “legal positivism” which reduced the law to simply the expression of the human sovereign, without there being a “higher law” to uproot inequity, injustice, or oppression. Holmes wrote that “[a] legal right is nothing but a permission to exercise certain natural powers, and upon certain conditions to obtain

common law shift and evolve over time; and, therefore, that the “life of the law has not been logic: *it has been experience*. The felt necessities of the time, the prevalent moral and political theories, intuitions of public policy, avowed or unconscious, even the prejudices which judges share with their fellow-men, have had a good deal more to do than the syllogism in determining the rules by which men should be governed.”<sup>18</sup> What Holmes means by “experience” is essentially the settled understanding of our experience with nature itself, and of our reasonable and logical conclusions drawn from facts-- in word: *the law of reason*. That is to say, the English common law is a “law of reason” reached through the prism of our common, democratic and shared human experience with *nature*. As Justice Holmes thus explains:

The question what a prudent man would do under given circumstances is then equivalent to the question **what are the teachings of experience** as to the dangerous character of this or that conduct under these or those circumstances; and as the teachings of experience are matters of fact, it is easy to see why the jury should be consulted with regard to them. They are, however, facts of special and peculiar function. Their only bearing is on the question, what ought to have been done or omitted under the circumstances of the case, not on what was done. Their function is to suggest a rule of conduct.<sup>19</sup>

This is how the “law of reason” was systematically sewn into the English common law. It is mediated by a democratic experience with life, religion, nature, and the whole course of human events—including even the moral lessons from the Holy Bible. Thus, Justice Holmes does not assume here that “experience” gives juries and judges a license to abrogate the “fundamental moral law,” such as “the right to life, liberty, and pursuit of happiness.” In fact, “experience” is nothing more than a sort of democratic apparatus whereby every man and woman – whether as jurors or otherwise—share in the deliberative process of law-making—in a word: *all men are created equal*. Thus, St. Augustine’s platonic “catholic” theology squares perfectly with what Justice Holmes has to say in *The Common Law*. Justice Holmes says, “Law, being a practical thing, must be found itself on

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protection, restitution, or compensation by the aid of public force. Just so far as the aid of the public force is given a man, **he has a legal right, and this right is the same whether his claim is founded in righteousness or iniquity.**” In my view, the Christian lawyer or judge, applying Anglo-American common law and constitutional law, does not reach the same conclusion, because principles of “equity” inherent in those laws do not, and should not, permit “**iniquity**” to have the sanction of law. In my view, this fundamental difference in perspective as to the nature of law and jurisprudence is a major conflict between “Christian” and “non-Christian” lawyers and judges.

<sup>18</sup> Oliver Wendell Holmes, Jr. *The Common Law* (New York, N.Y.: Dover Publications, 1991), p. 1.

<sup>19</sup> *Ibid.*, p. 148.

*actual forces*. It is quite enough, therefore, for the law, that man, by *an instinct* which he shares with the domestic dog... will not allow himself to be dispossessed, either by force or fraud, of what he holds, without trying to get it back again.”<sup>20</sup> Indeed, St. Augustine says, “[t]heft is punished by your law, [L]ord, and by the law *written in men’s hearts*.”<sup>21</sup> What does St. Augustine mean by “law written in men’s hearts”? Augustine here means the “law of nature” or “the law of reason,” which Justice Holmes also alludes to with his example of the “instinct” of both man and dog. This is the same natural-law standard of the English common law and also precisely the natural-law foundation of Thomas Jefferson’s *Declaration of Independence*. Jefferson and the Founding Fathers had accused King George III and the British Parliament of violating the law of reason or “laws of Nature and of Nature’s God” -- indeed, their chief complaint was against theft, arbitrary taxation, and capricious and unrestrained civil power and authority. Thus, in all cases, “the law of reason” or the “law of nature” interposes a “fundamental moral law,” whereby all cases at the secular bar and bench must be judged, through the *prism of the human experience (i.e., the “law of reason”)*, at all times.

But why, then, are all human beings who are clearly capable of conceptualizing a “law of reason” in most circumstances, but nevertheless are unable take “reasonable” actions at every moment or event in their lives—for example, speaking out of turn in a heated argument; drinking alcohol while driving; cheating on one’s spouse or partner; or over-eating junk food. Stated differently, why are there no perfect human beings who never fall into temptation or fail to make a mistake or to act reasonably? This is a major legal question and legal problem. Because if the problem of “temptation” falls outside of a person’s power and authority, then that person ought not to bare responsibility for violating the “law of reason.” For example, infants and mentally retarded persons should be excused from committing actions which, when committed by a sane, rational and adult person, would constitute a “felonious” crime. The fundamental problem, then, becomes one of discerning between culpability, mental and emotional development and maturity, and education; and this problem has to do with values, morals, and belief systems. This is the awesome task of religion and it is one of “religious instruction,” in terms of teaching persons how to comport with the image of God—the lord of reason; and how to comport with God’s other attributes: love, wisdom, justice, mercy, etc. It is for this reason that the Anglican divine Richard Hooker and the Protestant Reformers adopted the Two-Tables” theory of civil government, treating the Church as a vital and important component of the

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<sup>20</sup> Ibid., p. 213.

<sup>21</sup> St. Augustine, *Confessions*, p. 23.

State.<sup>22</sup> The Church, in its proper role, was to function as the moral guide and conscience of the State.

The question of African slavery and the transatlantic African slave trade posed the most vexing and difficult theological, moral, constitutional and legal questions of the 18<sup>th</sup> and 19<sup>th</sup> centuries. It is important to note here that this English common law—when citing the above-referenced appeals against the natural-laws against theft and oppression—has long remained a *friend to the cause of African liberation* and to the cause of the *abolition of both African slavery and the transatlantic African slave trade*. The English common law, in its authentic, purest Christian form, could not, and did not, tolerate the institution of chattel slavery. For example, that was the interpretation of General James Oglethorpe and the proprietors of the colony of Georgia, as Historian W.E.B. Du Bois tells us:

In Georgia we have an example of a community whose philanthropic founders sought to impose upon it a code of morals higher than the colonists wished. The settlers of Georgia were of even worse moral fibre than their slave-holding and whiskey-using neighbors in Carolina and Virginia; yet Oglethorpe and the London proprietors prohibited from the beginning both the rum and the slave traffic, refusing to ‘suffer slavery (which is against the Gospel as well as the fundamental law of England) to be authorized under our authority.’<sup>23</sup>

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<sup>22</sup> It could very well be, that when the institution of the Church was removed further away from the center of American life, that the most vulnerable citizens within that body politic—the poor, the marginalized, African Americans, etc.—who needed the assistance of pastors, preachers, and churches for “moral” education, “moral” guidance, and pastoral assistance— were more likely to be punished, criminalized, and incarcerated for not “acting reasonably” (i.e., violating administrative rules or civil and criminal laws). These most vulnerable citizens—without the effective pastoral assistance from churches and pastors—were also more likely to experience the evil consequences of various failures to “act reasonably,” such as broken homes, out-of-wedlock pregnancies and births, and the weakening of family and community life. Those citizens who are middle-class or affluent suffer from a different set of moral challenges: materialism, self-centeredness, racial bigotry, provincialism, and avarice. Hence, the consequences of having a legal system that operates on the basis of “law and reason” alone, without effective religious education and pastoral ministry, are crime and mass incarceration. Church and State were meant as two sides of the same coin, implementing the same basic ethical and moral standards.

<sup>23</sup> W.E.B. Du Bois, “The Suppression of the African Slave Trade,” *Writings* (New York, N.Y.: The Library of America, 1986), p. 15. (See, also, Michael Thurmond, “Why Georgia’s Founder Fought Slavery,” <https://www.savannahnow.com/article/20080215/OPINION/302159906>, stating:

These original Georgians arrived in the New World, inspired by the promise of economic opportunity embodied in the Georgia plan. This bold visionary plan established Georgia as a unique economic development and social welfare experiment.

The new colony was envisioned as an “Asylum of the Unfortunate,” a place where England’s “worthy poor” could earn a living exporting goods produced on small farms. From the outset,

That was also the interpretation of the Rev. William Goodell who thus wrote<sup>24</sup>:

Under no other legal sanction than this, the forcible and fraudulent seizure and transportation of slaves from Africa to the British-American Colonies was carried on till the West India and North American Colonies were stocked with slaves, and many were introduced into England, held as slaves there, and the tenure accounted legal!<sup>25</sup>

But in 1772 it was decided by Lord Mansfield, in the case of James Somerset, a slave, that the whole process and tenure were illegal; that there was not, and never had been, any legal slavery in England. The chief agent in procuring it, to be applicable to the British Colonies, as well as to the mother-country, and undoubtedly it was so. The United States were then Colonies of Great Britain. But the slaves in the Colonies had no Granville Sharpe to bring their cause into the Courts, and the Courts were composed of slaveholders....<sup>26</sup>

It may be proper to explain, that while these gentlemen admit that there are no express statutes of the States that are adequate to the legalization of slavery, they nevertheless affect to believe that it is legalized by the common law! It is not strange that they are unwilling to go with that plea into the Courts! ... All [the case law in the United States] affirm that slavery, being without foundation in nature, is the creature of municipal law, and exists only under its jurisdiction....<sup>27</sup>

It is undoubtedly true that the common law, if applied to the slave, would amply protect him from outrage and murder It would also protect him in his right to his earnings and to the disposal of the products of his industry, to exemption from seizure and sale: in a

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Oglethorpe and his colleagues found slavery inconsistent with the colony's goals, arguing that it would undermine poor, hardworking white colonists.

Oglethorpe later asserted that he and his fellow trustees **prohibited slavery because it was "against the Gospel, as well as the fundamental law of England."**

<sup>24</sup> William Goodell, *The American Slave Code* (New York: The American and Foreign Anti-Slavery Society, 1853), p. 259.

<sup>25</sup> *Ibid.*

<sup>26</sup> *Ibid.*

<sup>27</sup> *Ibid.*, pp. 26-262.

word, the common law, if applied to the slave, would emancipate him; for every body knows, and the Louisiana and Kentucky Courts have decided, that the slave becomes free the moment he comes under the jurisdiction of common law, by being carried by consent of his master out of the jurisdiction of the municipal law which alone binds him.<sup>28</sup>

What, then, do the Christian lawyer and judge bring to the juridical table, which other non-Christian lawyers and judges do not? It is to remind the bar and the bench that the English Common Law, and its various prodigies such as the *American Declaration of Independence* (1776), are also deeply-rooted in the Christian “law of Love,” or the “law of Christ,”<sup>29</sup> “faith,” “mercy,” and “equity.” In other words, for the Christian jurist, “human law” is not simply “reason” or the “law of reason,” subject to the God of Reason; but “human law” is also an expression of God’s love, wisdom, mercy, equity, and substantive justice. Hence, the Christian lawyer or judge appeals to the canon law’s heritage of “justice, judgment, and equity,”<sup>30</sup> when applying the secular human law to real cases, and this juridical system is called England’s *equity jurisprudence*.<sup>31</sup>

It is for this reason that the Church of England—with its Lord Chancellor, chancery courts, ecclesiastical courts, senior bishops, chancellors and senior ecclesiastical judges—was conceptually superior to the secular tribunals of the State.<sup>32</sup> The Lord Chancellor, as keeper of the king’s conscience, fashioned the law of equity, a law superior to the common law, throughout the realm.<sup>33</sup> The Church of England was also the keeper of the First Table of the Ten Commandments, which also symbolized a “Higher Law” or a “Higher Reason” which is God himself. On the other hand, the State represented an inferior “human law.” For the Christian lawyer or judge in England, England’s *equity jurisprudence* tied “human law” to “Higher Law,” and ensured that England’s courts administered substantive and meaningful justice. The English doctrine of *equity* did not allow English common law to work an injustice, without affording some form of remedy that was deeply rooted in justice and fairness. This idea that “human law” should not conflict with the “Higher Law” of God, or a higher

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<sup>28</sup> Ibid., p. 185.

<sup>29</sup> See Footnote # 14, supra.

<sup>30</sup> The fundamental “Law of Christ,” to wit, is to “love ye one another” (John 15:12); to do **justice and judgment** (Genesis 18:18-19; Proverbs 21: 1-3); to judge not according to appearance but to **judge righteous judgments** (John 7:24); and to **do justice, judgment, and equity** (Proverbs 1:2-3).

<sup>31</sup> See, generally, Roderick O. Ford, *Jesus Master of Law: A Juridical Science of Christianity and the Law of Equity* (Tampa, FL.: Xlibris Pub., 2015).

<sup>32</sup> Ibid.

<sup>33</sup> Ibid.

conception of justice—this was the fundamental premise and doctrine of the *Declaration of Independence*.

And, significantly, that same English common law, ecclesiastical law, and equity jurisprudence, which was inherently anti-slavery and anti-oppression in scope and form, was adopted in nearly all of the American colonies and states of the United States! For example, the following extracts from the codes of Arkansas, California, Illinois, Indiana, Missouri, Nebraska and North Carolina provide examples of how the English common law was incorporated into American jurisprudence:

**Arkansas:** Rev. Stat. 1874, sect. 772. "The common law of England, so far as the same is applicable and of a general nature, and all statutes of the British Parliament, in aid of or to supply the defects of the common law, made prior to the fourth year of James I., that are applicable to our form of government, of a general nature, and not local to -that kingdom, and not inconsistent with the Constitution and laws of the United States, or the constitution and laws of this state, shall be the rule of decision in this state unless altered or repealed by the General Assembly of this state.

**California:** Act of April 13th 1850, Gen. Laws, p. 599. "The common law of England, so far as it is not repugnant to or inconsistent with the Constitution of the United States, or the Constitution or laws of the state of California, shall be the rule of decision in all the courts of this state."

**Illinois :** Rev. Stat. 1874, ch 28, sect. 1. "That the common law of England, so far as the same is applicable and of a general nature, and all statutes or acts of the British Parliament made in aid of or to supply the defects of the common law prior to the fourth year of James I., excepting the second section of the sixth chapter of 43 Elizabeth, the eighth chapter of 13 Elizabeth, and the ninth chapter of 37 Henry VIII., and which are of a general nature and not local to that kingdom, shall be the rule of decision, and shall be considered as of full force until repealed by legislative authority."

**Indiana:** Act of 31st May 1852, is in the same words as the Illinois act, supra. Kansas : Rev. Stat. 1868, ch. 119, sect. 3. "The common law, as modified by constitutional and statutory law, judicial decisions

and the condition and wants of the people shall remain in force in aid of the general statutes of the state."

**Missouri:** Rev. Stat. 1870, ch. 86, sect. 1. "The common law of England and all statutes and Acts of Parliament made prior to the fourth year of the reign of James I., and which are of a general nature not local to that kingdom, which common law and statutes are not repugnant to or inconsistent with the Constitution of the United States, the Constitution of this state, or the statute laws in force for the time being, shall be the rule of action and decision in this state, any law, custom or usage to the contrary notwithstanding."

**Nebraska:** Rev. Stat. 1873, sect. 1. "1 So much of the common law of England as is applicable and not inconsistent with the Constitution of the United States, the constitution of this state or with any law passed or to be passed by the legislature thereof is adopted and declared to be the law within this state."

**North Carolina:** Code 1855, ch. 22. "All such parts of the common law as were heretofore in force and use within this state, or so much of the common law as is not destructive of or repugnant to, or inconsistent with, the freedom and independence of this state and the form of government therein established...."

Why, and how, American slavery was able to thrive despite the presence of the English common law are answered by the centrifugal force of the municipal law (i.e., legal positivism), secular humanism, and the libertarian policy of the merchants' rights to make money—and the systematic nullification of English ecclesiastical law and equity jurisprudence within American tribunals. Somebody rich and influential, somewhere, in England, America, and even in Africa, made a moral decision in favor of transatlantic slave trade and slavery, and to override both the Gospels and the fundamental principles of the England's common law and equity jurisprudence.

But was the English Common Law, as it was reflected in Thomas Woods' *Institutes of the Laws of England* (i.e., as reflected in England prior to the year 1607, which was the fourth year of the reign of James I) and as it was included within England's jurisprudence, transferred intact to the colonies and to the United States of America? The answer to this question is, "yes." But in the American colonies and in the new United States, the critical question was whether to what

extent the American courts should adopt every part and parcel of the English common law into American jurisprudence. For example, should the American civil courts take jurisdiction over those classes of cases that had previously fallen into the jurisdiction of the ecclesiastical courts in England? One American case that addressed this question is *Crump v. Morgan*, 38 N. C. (3 Ired. Eq.) 91, 40 Am. Dec. 447 (1843), where a court in North Carolina held explicitly:

It is said that these are the adjudications of ecclesiastical courts and are founded not in common law, but in the canon and civil laws, and therefore not entitled to respect here. **But it is an entire mistake to say that the canon and civil laws, as administered in the ecclesiastical courts of England, are not part of the common law.** Blackstone, following Lord HALE, classes them among the unwritten laws of England, and as parts of the common law which by custom are adopted and used in peculiar jurisdictions. **They were brought here by our ancestors as parts of the common law and have been adopted and used here in all cases to which they were applicable,** and whenever there has been a tribunal exercising a jurisdiction to call for their use. They govern testamentary cases and matrimonial cases. Probate and re-probate of will[s] stand upon the same grounds here as in England, unless so far as statutes may have altered it.

It thus goes without saying that the *ecclesiastical jurisdiction* of the Anglican-church jurists (i.e., clergymen, chancellors, lawyers and judges) over certain classes of cases in England created an important element of the English common-law jurisprudence that was incorporated into American jurisprudence—and that “important element of English common-law jurisprudence” was essentially “catholic” Christian in scope. But why did American churches, pastors, and theologians not retain this ecclesiastical or chancery jurisdiction in America? I believe the answer to this question rests with the downfall of the Anglican Church’s general system of jurisprudence (i.e., “church and state”) in colonial British North America.<sup>34</sup>

Thus, when the American colonies, and later the new United States of America, refused or failed to establish the Church of England in America, they also unwittingly barred from American soil the technical ecclesiastical expertise (i.e., church jurists (i.e., clergymen, chancellors, lawyers and judges)) that was

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<sup>34</sup> Non-Anglican Protestant clergymen simply did not have the level of “catholic” legal education and training as did the Anglicans. Indeed, most Baptist and other independent ministers did not even think of the “secular law” or the “administration of justice” as being anything which the church needed to concern itself.

necessary to properly administer what had hitherto formed “ecclesiastical” jurisprudence in England, because in the new United States of America, the Anglican or Christian jurists no longer retained their jurisdiction over certain genres of cases—namely, marriage and family, and wills and probates, and certain classes of cases sounding in equity jurisdiction. The American church thus lost its technical expertise in the administration of justice; and the secular American justice system thus lost its comprehension of the Christian foundations of its jurisprudence. This unfortunate set of circumstances was the sad result of the failure of the Society for the Propagation of the Gospel in Foreign Parts to firmly establish the Anglican Church *as the official state* church for the United States of America.

In truth, there were both important political and financial reasons for why the SPG failed to establish the Church of England as the national state church for British North America.<sup>35</sup> First, the exorbitant church revenue and expenses, together with conventional ecclesiastical authority or supremacy over the civil government, continued to dominate American political thought during the 18<sup>th</sup> century. The rule of government and nations by high-church priests, bishops, kings, and popes plagued the memory of American political leaders during the 18<sup>th</sup> century. This put the established Church of England at a decided disadvantage within colonial British North America. Not only had the Anglican Church cost rank-and-file Englishman large sums of moneys in tithes and other forms of ecclesiastical revenue, but it had—particularly during the reign of the House of Stuart from 1603- 1714—through sheer superstition, suppressed freedom of conscience, thought, and liberty. See, below, **Attachment A**, “Why the Society for the Propagation of the Gospel in Foreign Parts failed to create an established Anglican Church in the colonial British North America.”

And so, against these odds, from 1701 until about the year 1785, the Church of England’s Society for the Propagation of the Gospel in Foreign Parts (SPG) carried on its noble and worthy missionary operations in British North America, even despite the fact that the American colonists were never going to establish the Anglican Church in America, at least not to the same manner and degree that the Anglican church had been established in England. Nevertheless, during the meanwhile, the SPG performed noble Christian work.

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<sup>35</sup> See, below, **Attachment A**, “Why the Society for the Propagation of the Gospel in Foreign Parts failed to create an established Anglican Church in the colonial British North America.”

At its meeting the following February, the Society agreed that all bishops who were members should cause notice to be given out, offering an opportunity to clergymen to apply for missionary duty in America. As the Society was desirous of securing none but the sort fitted for the task, all applicants were required to meet certain qualifications. Funds were solicited, and some generous donations followed. The S.P.G. was destined to prove the foremost missionary force in colonial America. For more than two hundred years, throughout the world, the S.P.G. has been engaged in the labor of evangelization; it has a most remarkable record. Active in every province where the British have gone, it has lent aid to nearly every country in Europe where its help has been sought and has gone to the most distant outposts. Its chief enterprises have been furnishing and supporting missionaries under Anglican orders, establishing Church organizations, distributing Christian literature, maintaining schools and schoolmasters, distributing books and tracts to the missionaries, and assisting and founding colleges so as to provide a trained clergy. For more than eighty years, from 1702 to 1782, the majority of the Church of England missionaries in the American colonies were chosen, sent over, and to a large extent supported by the Society. Three hundred and nine men were employed during that period in the Society's service in America.

One of the SPG's foremost missionaries was the Rev. George Keith (1638 – 1716). Rev. Keith had been a Scottish-born Quaker prior to converting to the Anglican faith in 1700. Prior that time, he had been active among the Society of Friends in the Netherlands and Germany, where he worked with Robert Barclay (future governor of New Jersey), George Fox (founder of the Quakers), and William Penn (future proprietor and founder of Pennsylvania). Rev. Keith would follow his Quaker friends to the American colonies during the 1680s, where he would take up important posts and attain first-hand knowledge of the religious experience in American. During the late 1690s, Rev. Keith suspected that many of the Quakers had become "deists," but despite he attempts at reform, he was unable to reintroduce the orthodox faith amongst them. For this reason, he returned to the Anglican faith in 1700 and, soon thereafter, he was recruited by the Bishop of London Henry Compton for a special ministry assignment in the Society for the Propagation of the Gospel in Foreign Parts (SPG) in the American colonies.

Together with Rev. John Talbot, Rev. Keith would soon become one of the two foremost SPG missionary in North American.<sup>36</sup> In the colonies, both men found a great thirst for the Gospel, as well as a great need of it. Rev. Talbot wrote in 1703 that:

It is a sad thing to consider the years that are past; how some that were born of the English never heard of the name of Christ; how many others were baptized in his name, and [have] fallen away to Heathensism, Quakerism, and Atheism, for want of Confirmation.... The poor Church has nobody upon this spot to comfort or confirm her children; nobody to ordain several that are willing to serve, were they authorized, for the work of the Ministry. Therefore they fall back again into the herd of the Dissenters, rather than they will be at the Hazard and Charge to goe [sic] as far as England for orders: so that we have seen several Counties, Islands, and Provinces, which have hardly an orthodox minister am't them, which might have been supply'd , had we been so happy as to see a Bishop or Suffragan Apud Americanos.<sup>37</sup>

Despite these difficulties, the SPG distributed “great quantities” of Bibles, prayer books, and other religious works, and supplied the churches with decorative items. However, the lasting challenge and problem for the Anglican Church in colonial British North America was recruiting ordained ministers to go the colonies and the absence of Anglican bishops within those colonies.<sup>38</sup> Meanwhile, the other Protestant denominations were not so impaired by the same challenges. For instance, in North America, the Baptists, Presbyterians, and Independents could simply appoint their pastors and elders and establish their own churches without formal approval from the Bishop of London. By the middle of the 18<sup>th</sup> Century, there were other competing forces too—such as atheism, deism, humanism, and materialism—that had begun to openly rebel against the orthodox Anglican faith. And when the American Revolutionary War broke out in 1775, political opposition against the Anglican Church fomented and intensified, because the Anglican church also symbolized the British crown. During the revolutionary war, Anglican priests were targeted as leaders of the “Loyalists” and supports of King George III. For this reason, many Anglican priests were beaten, imprisoned, and even murdered during the war. After the American Revolutionary War ended in 1781, the SPG missionary efforts in British North America were not revived, and

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<sup>36</sup> Duchense and Pascoe, *Two Hundred Years of the S.P.G.*, pp. 9-12.

<sup>37</sup> *Ibid.*, p. 11.

<sup>38</sup> *Ibid.*, pp. 11-12.

the SPG's missions there finally came to an end during the year 1785. Hence, the Church of England was never firmly established as the official state church in America, as it had been in England. What Rev. Keith and many other SPG missionaries, such as the Rev. John Wesley (who was a SPG missionary to Georgia from 1736-1738), found in colonial America was that the Anglican Church had been established in "name only" in places like North Carolina and Georgia. And even in Virginia, where the Anglican Church was firmly rooted, many of the parishes were not functioning up the standards set by the church in England.

From the perspective of the SPG, as reflected in this paper, the state of Christianity in the American colonies during the 18<sup>th</sup> century was a catastrophe. In report after report, the Anglican missionaries discovered that the white Englishmen in colonial North America were in no better spiritual or religious state than the "heathen" Native Americans. This was particularly true outside of colonial New England, which had been dominated by the Puritans, Congregationalists, and Presbyterians. And since the Anglican Church was never firmly established in colonial North America, the Roman Catholic and Anglican systems of law and jurisprudence were never able to take a firm root in British North America. Indeed, by the late 18<sup>th</sup> Century, North America had become the laboratory for experiment in religious liberty, pluralism, and liberty of conscience. In North America, men were beginning to compare the different church denominations and were more and more resolved to keep religion out of law and politics, if at all possible. And what happened in colonial North America was reflection of the religious turmoil that had resulted from a uniformed state religion in both England and Europe. The Anglican Church symbolized the old order of established churches with religious intolerance; and, for this reason, the Anglican clergy did not command the respect of the common man in colonial North America. As Adam Smith has stated in *The Wealth of Nations*:

The followers of Luther, together with what is called the church of England, preserved more or less of the Episcopal government, established subordination among the clergy, gave the sovereign the disposal of all the bishoprics, and other consistorial benefices within his dominions, and thereby rendered him the real head of the church; and without depriving the bishop of the right of collating to the smaller benefices within his diocese, they, even to those benefices, not only admitted, but favoured the right of presentation both in the sovereign and in all other lay patrons. This system of church government was from the beginning favourable to peace and good order, and to submission to the civil sovereign. It has never,

accordingly, been the occasion of any tumult or civil commotion in any country in which it has once been established. **The church of England in particular has always valued herself, with great reason, upon the unexceptionable loyalty of her principles. Under such a government the clergy naturally endeavor to recommend themselves to the sovereign, to the court, and to the nobility and gentry of the country, by whose influence they chiefly expect to obtain preferment. They pay court to those patrons, sometimes, no doubt, by the vilest flattery and assentation, but frequently too by cultivating all those arts which best deserve, and which are therefore most likely to gain them the esteem of people of rank and fortune; by their knowledge in all the different branches of useful and ornamental learning, by the decent liberality of their manners, by the social good humour of their conversation, and by their avowed concept of those absurd and hypocritical austerities which fanatics inculcate and pretend to practice, in order to draw upon themselves the veneration, and upon the greater part of men of rank and fortune, who avow that they do not practice them, the abhorrence of the common people. Such a clergy, however, while they pay their court in this manner to the higher ranks of life, are very apt to neglect altogether the means of maintaining their influence and authority with the lower. They are listened to, esteemed and respected by their superiors; but before their inferiors they are frequently incapable of defending, effectually and to the conviction of such hearers, their own sober and moderate doctrines against the most ignorant enthusiast who chuses to attack them.**<sup>39</sup>

It was perhaps for this reason that the Anglican priest John Wesley did not fair very well in the colony of Georgia, when he was dispatched there as a SPG missionary in 1736. The growing character of American colonists as an agrarian, plebian, and egalitarian society lent itself to a unique style of preaching, pastoral leadership, and modes of religious services which the Church of England had not been equipped to provide. At the same time, Puritan and colonial New England had laid the groundwork for Congregationalism, Presbyterianism, and Calvinism which paid more homage and respect to the dignity of commoners. Their counterparts in Scotland and Switzerland, observed Adam Smith, produced great stability in austere public morals which are so valuable to a body politic, and at a

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<sup>39</sup>Adam Smith, *The Wealth of Nations* (New York, N.Y.: The Modern Library, 1937), pp. 759- 760.

fraction of the cost of maintaining established Roman Catholic and Anglican churches.<sup>40</sup> “All the good effects, both civil and religious, which an established church can be supposed to produce, are produced by [the Presbyterian churches of Scotland or Switzerland] as completely as by any other.”<sup>41</sup> But even here, neither the Presbyterian Church nor any of the other Christian denominations were capable of replicating in America what the established Church of England had produced in England—a system of national and constitutional jurisprudence that was deeply-rooted in the Christian faith. The end result was that, during the late 19<sup>th</sup> century in the United States, the entire Christian faith was eventually uprooted from American jurisprudence and supplanted by commercial secularism; and, following the U.S. Civil War (1861-1865) the one tie that seemingly drew all Americans together was the desire to make money—and the United States thereby slowly relinquished its Christian jurisprudence to its present, pre-dominant form of secular jurisprudence that is dominated by American commercialism and legal positivism.

## SUMMARY

The Society for the Propagation of the Gospel in Foreign Parts (SPG) was founded in 1701 in order to spread the Gospel of Christ to the far reaches of the British Empire. Its mission was not an imperialist mission designed to subdue the natives of foreign territories, but rather it was a temperance and moral improvement mission directed toward English mariners on the high seas, merchants, tradesmen, farmers, and colonists throughout the empire. The American colonies were the target of the SPG’s first missions. From the SPG’s inception, missionary outreach to the Native Americans and African Americans was an integral part of its objectives. The SPG’s other major objectives were to upgrade and up-build the institution of the Anglican Church in the North American colonies. This would have certainly brought the “institution” of the Church of England to America’s shores. What this great Anglican “institution” included were a system of libraries, seminaries, universities, ecclesiastical courts, and trained clergymen that most certainly would have advocated for the abolition of African slavery on American soil and the incorporation of “catholic” Christian jurisprudence into America’s local and federal legal systems. When the SPG failed in achieving its mission work, due in large measure to the American Revolutionary War (1775 – 1781), this great Anglican institution was never able to establish firm roots on American soil. Like the untimely death of a great human soul, the SPG died an untimely death in the United States of America in 1785.

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<sup>40</sup> Ibid., p. 765.

<sup>41</sup> Ibid.

### **Part XLIII. Anglican Church: “A History of the Society for the Propagation of the Gospel in Foreign Parts (SPG) in the British North American Colonies from 1701 to 1785”**

This is the story of how the Church of England, through its Society for the Propagation of the Gospel in Foreign Parts (SPG), tried but failed to spread the Gospel in colonial British North America from 1701 up through the years of the American Revolution (1775 – 1781). From 1701 to about 1785,<sup>42</sup> “[f]or the greater part of the 18<sup>th</sup> century the Colonies of Great Britain, extending to Maine, together with the negroes, and with the Indian tribes who dwelt further inland, constituted the principal Mission-field of the Society.”<sup>43</sup> “Among the European settlers, both here [New York] and generally in America, were many who, before the Society had established its Missions, were as far removed from God as the Negroes and Indians, and indeed whose lives proved a greater hindrance to the spread of the Gospel than those of their coloured brethren. That any race should be disqualified from having the message of salvation, because of the colour of their skin or any other reason, was ever repudiated by the Society. To the care of the Negroes and Indians, as well as the Colonists, in the Province of New York it devoted much labour.”<sup>44</sup> The goals of the SPG was “[t]o the care of the Negroes and Indians, as well as the Colonists, in the Province of New York [and elsewhere] it devoted much labour.”<sup>45</sup> “The instruction of the Negro and Indian slaves,” was one of the highest priorities of the SPG, “and so to prepare them for conversion, baptism, and communion, was a primary charge (oft repeated) to ‘every Missionary... and to all Schoolmasters’ of the Society in America.”<sup>46</sup> The SPG, in sum, performed a mighty and noble work throughout the American colonies.

British North America, with the exception of Virginia, Maryland, New York, Philadelphia, and Boston, the Church of England found it difficult to gain a firm foothold; and this was especially true in Puritan colonial New England. For the most part, even in areas where the Anglican Church was established, there was fierce competition by the Jesuits, the Quakers, the Independents, and the Puritan-Calvinist-Congregationalists. The Anglican Church’s primary challenge during the years leading up to the American Revolutionary War was the fact that it also

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<sup>42</sup> Louis Duchense and Charles Frederick Pascoe, *Two Hundred Years of the S.P.G.: An Historical Account of the Society for the Propagation of the Gospel in Foreign Parts, 1701 – 1900* (London, England: SPG, 1901), p. 79 (“In withdrawing from the Mission field in the United States in 1785 the Society....”).

<sup>43</sup> *Ibid.*, p. 9.

<sup>44</sup> *Ibid.*, p. 63.

<sup>45</sup> *Ibid.*

<sup>46</sup> *Ibid.*

represented the British Crown and its ministers had sworn an oath of allegiance to the king of England. During the war, Anglican priests were oppressed in myriad forms, and many Anglican churches were decimated. “Until 1785 the Society [for the Propagation of the Gospel in Foreign Parts] labored to plant, in all its fullness, the Church of Christ in those regions.” After 1785, the SPG left British North America, and its affiliate the “Protestant Episcopal Church in the United States of America” was founded in 1789.<sup>47</sup>

The viewpoint of the Society for the Propagation of the Gospel in Foreign Parts (SPG), most of the American colonists were “without God in the world” and “were distracted with almost every variety of strange doctrine.”<sup>48</sup> From its inception, the Society appears to have had no color barriers, and strove “using direct means for the conversion of the heathen, whether Negroes, Indians, or Whites.”<sup>49</sup> The SPG’s two foremost missionaries to North America were Rev. George Keith and Rev. John Talbot.<sup>50</sup> In the colonies, both men found a great thirst for the Gospel, as well as a great need for the pastoral ministry. Rev. Talbot wrote in 1703 that:

It is a sad thing to consider the years that are past; how some that were born of the English never heard of the name of Christ; how many others were baptized in his name, and [have] fallen away to Heathensism, Quakerism, and Atheism, for want of Confirmation.... The poor Church has nobody upon this spot to comfort or confirm her children; nobody to ordain several that are willing to serve, were they authorized, for the work of the Ministry. Therefore they fall back again into the herd of the Dissenters, rather than they will be at the Hazard and Charge to goe [sic] as far as England for orders: so that we have seen several Counties, Islands, and Provinces, which have hardly an orthodox minister am’st them, which might have been supply’d , had we been so happy as to see a Bishop or Suffragan Apud Americanos.<sup>51</sup>

Despite these difficulties, the SPG distributed “great quantities” of Bibles, prayer books, and other religious works, and supplied the churches with decorative items. However, the lasting challenge and problem for the Anglican Church in colonial

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<sup>47</sup> [https://en.wikipedia.org/wiki/Episcopal\\_Church\\_\(United\\_States\)](https://en.wikipedia.org/wiki/Episcopal_Church_(United_States))

<sup>48</sup> Duchense and Pascoe, *Two Hundred Years of the S.P.G.*, p. 9.

<sup>49</sup> *Ibid.*, p. 11.

<sup>50</sup> *Ibid.*, pp. 9-12.

<sup>51</sup> *Ibid.*, p. 11.

British North America was recruiting ordained ministers to go the colonies and the absence of Anglican bishops within those colonies.<sup>52</sup> Meanwhile, the other Protestant denominations were not so impaired by the same challenges. For instance, in North America, the Baptists, Presbyterians, and Independents could simply appoint their pastors and elders and establish their own churches without formal approval from the Bishop of London. By the middle of the 18<sup>th</sup> Century, there were other competing forces too—such as atheism, deism, humanism, and materialism—that had begun to openly rebel against the orthodox Anglican faith. And when the American Revolutionary War broke out in 1775, political opposition against the Anglican Church fomented and intensified, because the Anglican church also symbolized the British crown.

This paper is thus a brief outline of how the Anglican Church, its pastors, and the Society for the Propagation of the Gospel in Foreign Parts (S.P.G.) coped in colonial British North America from 1701 to 1785 in the following colonies: South Carolina; North Carolina; Georgia; Virginia; Maryland; Pennsylvania; New York; New Jersey; and New England.

#### **A. The Colony of Virginia and the SPG, 1701 - 1785**

The colony of Virginia was founded by churchmen within the Church of England. Thomas Jefferson has written:

The first settlers of this colony were Englishmen, loyal subjects to their king and church, and the grant to Sr. Walter Raleigh contained an express Proviso that their laws ‘should not be against the true Christian faith, now professed in the church of England.’ As soon as the state of the colony admitted, it was divided into parishes, in each of which was established a minister of the Anglican church, endowed with a fixed salary, in tobacco, a glebe house and land with the other necessary appendages.<sup>53</sup>

But even in Virginia, the Society for the Propagation of the Gospel in Foreign Parts (SPG) found that the parishes lacked adequate resources and a well-trained ministry. Although Virginia was divided into 46 parishes, 40 of those parishes were unsupplied with clergymen as of the year 1701. But since Virginia was better

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<sup>52</sup> Ibid., pp. 11-12.

<sup>53</sup> Thomas Jefferson, *Writings* (New York, N.Y.: The Library of America, 1986), p. 34.

supplied, and the Church of England already firmly established, as compared to the other colonies, the Society for the Propagation of the Gospel in Foreign Parts (SPG) did not devote as many missionaries or resources to that colony. In his “Notes on the State of Virginia,” Thomas Jefferson observes that in the colony of Virginia, the established Church of England was firmly established and tolerated no other religion or sect. “Several acts of the Virginia assembly of 1659, 1662, and 1693, had made it penal in parents to refuse to have their children baptized; 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 thereafter, to be imprisoned till they abjure the country...”<sup>54</sup>

From 1607 to about 1700, “[t]he Anglicans retained full possession of the country about a century,” and afterwards “[o]ther opinions began 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 [American Revolutionary War (1775 – 1781)]. The laws indeed were still oppressive on them, but the spirit of the one party had subsided into moderation...”<sup>55</sup>

Louis Duchense and Charles Frederick Pascoe, *Two Hundred Years of the S.P.G.: An Historical Account of the Society for the Propagation of the Gospel in Foreign Parts, 1701 – 1900* (London, England: SPG, 1901), p. 30, describes the colonial mission in Virginia as follows:

Virginia had the advantage of being planted (under a London Company) by settlers who were mostly members of the Church of England. As soon as the Colony was fairly established they began to make provision for their souls as Christians, as well as for their temporal concerns as merchants. In 1612 the whole colony was laid out into Parishes or Townships. Churches were built, and an Act of Assembly fixed a salary upon the Minister.

The ‘maintenance’ being ‘hurt by disuse,’ in 1701 nearly half of the forty to forty-six parishes, containing 40,000 people, were unsupplied with Clergy. Still the Colony was better provided than any other, and therefore the Society’s assistance was limited to gratuities to two

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<sup>54</sup> *Thomas Jefferson Writings* (New York, N.Y.: The Library of America, 1984), p. 283.

<sup>55</sup> *Ibid.*

clergymen there, in 1702 and 1725, and the supply of religious books....

Keith, who with Talbot visited the country in April 1703, records in his Journal:-- 'May 23, Sunday, 1703, I preached at the Church in Princess Ann County in Virginia on Heb. 12, I, and I baptized eight children there. Mr. Talbot preached the same day at a Chappel belonging t the same county, and baptized ten children. The whole county is but one parish, and is about fifty miles in length; the People are well affected, but they had no Minister, and greatly desire to have one; and as they informed us, the Minister's salary being paid in Tobacco (as it is generally all over Virginia and Maryland \*) the Tobacco of the county was so low that it could not maintain him.'<sup>56</sup>

The tight grip which the Anglican Church had upon the colony of Virginia has been vividly recorded in Thomas Jefferson's "Notice on the State of Virginia" written about the year 1781.<sup>57</sup> Jefferson's account reveals that when the Church of England was established in the colony of Virginia in 1607, it denied the establishment of all other religions and denominations—even the Puritans and Presbyterians of colonial New England were denied to settle in Virginia, without conforming to the Anglican faith.<sup>58</sup> The Quakers were detested and brutally repressed in Virginia.<sup>59</sup> Jefferson writes, "[t]he poor Quakers were flying from persecution in England.... [but Virginia] prohibited the unlawful assembling of Quakers."<sup>60</sup> Furthermore, Jefferson tells us that several acts of the Virginia legislature, including that of 1659, 1662, and 1693 had made in penal for the Virginia colonists to fail to have their children baptized Anglican.<sup>61</sup> But throughout the 18<sup>th</sup> century, the Virginia colonists became more and more secular or religious dissenters from the Anglican faith. Jefferson records that "two-thirds of [the Virginian colonists] had become dissenters at the commencement of [the American Revolution (1775 – 1781)]." By 1776, the Virginia colonists had overwhelmingly and decisively "declared it to be a truth, and a natural right, that the exercise of religion should be free."<sup>62</sup> Nevertheless, old habits died hard in Virginia, and in custom as well as in law, various aspects of the Christian faith

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<sup>56</sup> Ibid. p. 30.

<sup>57</sup> Thomas Jefferson, *Writings* (New York, N.Y.: The Library of America, 1984), pp. 283 – 289.

<sup>58</sup> Ibid., p. 283.

<sup>59</sup> Ibid.

<sup>60</sup> Ibid.

<sup>61</sup> Ibid.

<sup>62</sup> Ibid., p. 284.

continued to be imposed upon Virginian colonists, whether they consented to them or not. But Jefferson himself seems to have espoused a “two-tables” philosophy of government, whereby the secular civil government should have no power over the first table (i.e., matters of faith, religion, and conscience). Jefferson wrote:

The error seems not sufficiently eradicated, that the operations of the mind, as well as the acts of the body, are subject to the coercion of the laws. But our rulers can have authority over such natural rights only as we have submitted to them. The rights of conscience we never submitted, we could not submit. We are answerable for them to our God. The legitimate powers of government extend to such acts only as are injurious to others. But it does me no injury for my neighbor to say there are twenty gods, or no god. It neither picks my pocket nor breaks my leg. If it be said, his testimony in a court of justice cannot be relied on, reject it then.... Reason and free enquiry are the only effectual agents against error. Give a loose to them, they will support the true religion, by bringing every false one to their tribunal, to the test of their investigation. They are the natural enemies of error, and of error only. Had not the Roman government permitted free enquiry, Christianity could never have been introduced.<sup>63</sup>

Jefferson was therefore staunchly in support of the complete separation of Church and State. The history of Christian Europe afforded him with his ammunition in defense of his new constitutional doctrine: “[m]illions of innocent men, women, and children,” wrote Jefferson, since the introduction of Christianity, have been burnt, tortured, fined, imprisoned; yet we have not, advanced one inch towards uniformity. What has been the effect of coercion? To make one half the world fools, and the other half hypocrites.”<sup>64</sup> Also, Jefferson relied upon practical experiments in America—the colonies of Pennsylvania and New York. Both of these colonies permitted the freedom of religion, and they had not collapsed into dissension and chaos.<sup>65</sup>

On the other hand, Jefferson was without a resolution as to the question of how moral values were to be taught or dispensed within the body politic. He advocated for religious freedom, but at the same time, Jefferson observed the damaging effects of American slavery upon the morals and habits of Americans. In a heart-wrenching critique, Jefferson wrote:

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<sup>63</sup> Ibid., p. 285.

<sup>64</sup> Ibid., p. 286.

<sup>65</sup> Ibid., pp. 286- 287.

There must doubtless be an unhappy influence on the manners of our people produced by *the existence of slavery among us*. The **whole commerce between master and slave is a perpetual exercise of the most boisterous passions, the most unremitting despotism on the one part, and degrading submissions on the other**. Our children see this, and learn to imitate it; for man is an imitative animal. This quality is the germ of all education in him. From his cradle to his grave he is learnin to do what he sees others do. If a parent could find no motive either in his philanthropy or his self-love, for restraining the intemperance of passion towards his slave, it should always be a sufficient one that his child is present. But generally it is not sufficient. The parent storms, the child looks on, catches the lineaments of wrath, puts on the same airs in the circle of smaller slaves, gives a loose to his worst of passions, and thus nursed, educated, and daily exercised in tyranny, cannot but be stamped by it with odious peculiarities. ...

With **the morals of the people, their industry also is destroyed**. For in a warm climate, no man will labour for himself who can make another labour for him. This is so true, that of the proprietors of slaves a very small proportion indeed are ever seen to labour. And can the liberties of a nation be thought secure when we have removed their only firm basis, **a conviction in the minds of the people that these liberties are of the gift of God?** That they are not to be violated but with his wrath? Indeed *I tremble for my country when I reflect that God is just: that his justice cannot sleep for ever: that considering numbers, nature and natural means only, a revolution of the wheel of fortune, an exchange of situation, is among possible events: that it may become probable by supernatural interference!* The *Almighty has no attribute which can take side with us in such a contest.*—But it is impossible to be temperate and to pursue this subject through the various considerations of policy, of morals, of history natural and civil. We must be contented to hope they will force their way into every one's mind.<sup>66</sup>

I surmise that Thomas Jefferson had hoped that reason and human experience – together with the very best of the Christian faith-- would draw out from his fellow

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<sup>66</sup> Ibid., pp. 289-289.

American citizens the desire and the will to rid the body politic of human slavery. Indeed, his first draft of the American *Declaration of Independence*, which severely criticized King George III for criminally carrying on the transatlantic slave trade, and for waging a “cruel war against human nature itself, violating its most sacred rights of life and liberty in the persons of a distant people who never offended him, captivating and carrying them into slavery in another hemisphere, or to incur miserable death in their transportation thither. This piratical warfare, the opprobrium of infidel powers, is the warfare of the Christian king of Great Britain.” But this first draft of the *Declaration of Independence* had been rejected by constitutional delegates from South Carolina, Georgia, and New England merchants.<sup>67</sup> Jefferson’s general political and legal philosophy had been based upon the natural law, principles of equity, and the separation of Church and State. At the same time, however, Jefferson, who was himself an owner of chattel slaves, was not a strong proponent of the English common law, since it tended to impose elements of orthodox Christianity, which he vehemently denied was ever incorporated into that system of common-law jurisprudence.

## **B. The Colonies of New England and the SPG, 1701 - 1785**

When we come to the colonies of New England, we must evaluate the history of the SPG in Massachusetts, Connecticut, Rhode Island, Vermont, New Hampshire, Maine, and the Naragansett Province. These colonies were largely organized by Puritans who were mostly Calvinists or Independents. They were religiously developed, highly-educated, and disciplined. As such, outside of the city of Boston, the Anglican Church and the Society for the Propagation of the Gospel in Foreign Parts did not find a field widely open for missionary work. New England was, from the first, staunchly opposed to the Anglican Church.

Louis Duchense and Charles Frederick Pascoe, *Two Hundred Years of the S.P.G.: An Historical Account of the Society for the Propagation of the Gospel in Foreign Parts, 1701 – 1900* (London, England: SPG, 1901), p. 41, describes the colonial mission in New England as follows:

New England was formerly divided into four great districts or governments, including the Colonies of Massachusetts, Connecticut, Rhode Island, New Hampshire, Main, Vermont, and Naraganett or

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<sup>67</sup> Ibid., p. 18.

King's Province. The first settlement—that of New Plymouth, Massachusetts Bay—was formed by a small party of Puritans or Independents in 1620, which was much strengthened by a fresh country, which soon swarmed with Brownists, Presbyterians, Quakers, Families, Antinomians, Conformitants or Formalists, Arrians, Arminians, Gortonists, &c. The Gortonists were so lost to common humanity and decency that they were suppressed by the Civil Power under Governor Dudley in 1643. The Independents soon established their ecclesiastical system, and sought to exact from others a rigid conformity to it. Fleeing from persecution in England, they now themselves became persecutors; and notwithstanding their former professions of moderation and liberty of conscience, and the toleration conferred by the New England Charter, they drove out of Massachusetts the Quakers and other sectaries. The Church settlers were so restrained from having their own form of worship that in 1679 many of the inhabitants of Boston petitioned Charles II that they might be allowed to build a church there for the exercise of religion according to the Church of England. Permission was accorded, and the congregation of the 'King's Chapel,' Boston, so increased that William III settled an annual allowance of £ 100 for the support of an assistant minister for them.

The other major competitor to the Anglican Church in colonial New England can be found amongst the Native American tribes, who had also access to the French and the Roman Catholics. Anglican priests were from the beginning of the SPG's work in 1701 the object of ridicule and persecution in colonial New England.<sup>68</sup> But all was not completely or wholly lost. As the SPG's leading missionary, George Keith, observed:

In divers parts of New England we found not only many people well affected to the Church, who have no Church of England Ministers, and in some places none of any sort; but also we found several New England Ministers very well affected to the Church, some of whom both hospitality entertain'd us in their houses and requested us to preach in their congregations, wch. accordingly we did, and receiv'd

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<sup>68</sup> Ibid., pp. 41-51.

great thanks, both from the Ministers and people: and in Cambridge Colledge in N. England we were civilly treated by some of the fellows there, who have a very great favour to the Church of England, and were it not for the poisonous doctrines that have been infused into the scholars and youths there, and deep prejudices agt. the Church of England by Mr. Increase Mather, formerly President of the College there, and Mr. Samuel Willard, now President there, the Scholars and Students there would soon be brought over to the Church.<sup>69</sup>

Despite Puritan prejudice, the Anglican Church in colonial New England found favor among the colonists. In colonial New England, the struggle was not so much against ignorance of the Gospel or immorality amongst the colonists, as much as it was staunch prejudice against the Church of England. Anglican priests, such as Rev. G. Muirson of Connecticut, were able to build sporadic, thriving Anglican churches throughout colonial New England, up to the period of the American Revolutionary War (1775 – 1781), when Anglican pastors were targeted and Anglican churches were closed, confiscated, or decimated.<sup>70</sup> Rev. J. W. Weeks, Rev. R. Mansfield, Rev. John Sayre, Rev. J. Leaming, Rev. R. Viets, Rev. J. Bailey, and Rev. M. Graves were amongst the several Anglican priests who were persecuted during this period.<sup>71</sup>

### **C. The Colony of Pennsylvania and the SPG, 1701 - 1785**

The colony of Pennsylvania was one of the first areas where the Society for the Propagation of the Gospel (SPG) and the Anglican Church commenced missionary work. Even before the founding of the SPG in 1701, the Anglican pastor Rev. Evan Evans has experienced tremendous success in making converts in the city of Philadelphia.<sup>72</sup> “On the application of the Church congregation at Philadelphia William III settled an allowance for a minister and a schoolmaster there, and the Society in January and February 1702 bore the cost....”<sup>73</sup>

Louis Duchense and Charles Frederick Pascoe, *Two Hundred Years of the S.P.G.: An Historical Account of the Society for the Propagation of the Gospel in Foreign Parts, 1701 – 1900* (London, England: SPG, 1901), p. 33, describes the colonial

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<sup>69</sup> Ibid., p 42.

<sup>70</sup> Ibid., pp. 48-51.

<sup>71</sup> Ibid.

<sup>72</sup> Ibid., p. 33.

<sup>73</sup> Ibid.

mission in Pennsylvania as follows:

Pennsylvania was originally settled by Swedes and Dutch; the Swedes formally surrendered to the Dutch in 1655, and the Dutch to the English in 1664. In 1680 the country was granted by Charter to William Penn, from whom it took its name, the first English settlers consisting of 2,000 Quakers taken over by him. The Dutch were Calvinists; the Swedes, Lutherans. The Quakers were followed from the mother country by other denominations, including some members of the Church of England. Religious divisions set in among the Quakers; the other inhabitants followed each what was good in his own eyes; so that in 1701 'the youth' of the country were 'like those in the neighboring provinces, very debauch't and ignorant'; [1] and the population of 20,000 were for the most part living in general neglect of public worship of God, and without the instituted means of grace and salvation. The Swedes from their first settlement in 1636, and the Dutch were partly provided with Ministers; but the English Church was not set up til 1695, when Christ Church, Philadelphia, was built under the direction of the Rev. T. Clayton, then appointed there.

In 1705, SPG missionaries Rev. George Keith and Rev. John Talbot visited Philadelphia and was very well received by the two Anglican priests already stationed in that city. Thenceforth, the SPG's work proceeded unimpeded. Its work among African American slaves and freedmen was particularly successful:

The obstacles to the conversion of the negroes were not so great in Pennsylvania as in some parts of America. As early as 1712 the Missionaries began to baptize the slaves; and a Mr. Yeates of Chester was commended by the Rev. G. Ross for his 'endeavors to train up his negroes in the knowledge of religion.'

Other owners were moved by the Bishop of London's appeal to consent to the instruction of their slaves; and the result was the baptism of a considerable number. At Philadelphia the Rev G. Ross baptized on one occasion twelve adult negroes, 'who were publickly examined before the congregation and answered to the admiration of all that heard them... the like sight had never before been seen in that Church.' The sight soon became a common one, and in 1747 the Rev.

Dr. Jenney represented that there was a great and daily increasing number of negroes in the city who would with joy attend upon a Catechist for instruction....<sup>74</sup>

As in other colonies, the positive work of the SPG in Pennsylvania came to an abrupt halt during the American Revolutionary War (1775 – 1781).<sup>75</sup> “The Revolutionary War, which put a stop to [the SPG’s] many other good works, entailed much suffering on the Missionaries. Mr. Barton reported in 1776: ‘I have been obliged to shut up my churches to avoid the fury of the populace who would not suffer the liturgy to be us’d, unless the collects and prayers for the king and royal family were omitted....’”<sup>76</sup> “The Missionaries were ‘most grievous sufferers in these days of trial.’ Most of them were ‘lost their all,’ many were reduced to a state of ‘melancholy pilgrimage and poverty,’ and some sank under their calamities....”<sup>77</sup> The SPG left Pennsylvania after the war, although the Anglican Church reorganized itself at the Protestant Episcopal Church of the United States of America.

#### **D. The Colony of New York and the SPG, 1701 - 1785**

We turn now to the colony of New York, where the Society for the Propagation of Gospel carried on a very vibrant mission from about 1702 up through the end of the American Revolutionary War (1775 – 1781).

Louis Duchense and Charles Frederick Pascoe, *Two Hundred Years of the S.P.G.: An Historical Account of the Society for the Propagation of the Gospel in Foreign Parts, 1701 – 1900* (London, England: SPG, 1901), p. 57, describes the colonial mission in New York as follows:

New York was first settled in 1610 by the Dutch. The original Colony of ‘Nova Begia,’ or “New Netherlands’ as it was called, included East and West Jersey’ and owing to the guarantee of religious toleration, it became a refuge for the persecuted Protestants of France, Belgium, Germany, Bohemia, and Piedmont. The war with Holland in 1664 changed it to a British Possession, which being granted to the Duke of York took its present name.

<sup>74</sup> Ibid., pp. 38-39.

<sup>75</sup> Ibid., pp. 39- 40.

<sup>76</sup> Ibid., p. 39.

<sup>77</sup> Ibid., p. 40.

The religious state of the Colonists towards the close of the 17<sup>th</sup> century may be gathered from a letter addressed to the Society by Colonel Heathcote in 1704, regarding the County of West Chester. When he first came there, about 12 years before, 'I found it,' said he, 'the most rude and Heathenish Country I ever saw in my whole Life, which called themselves Christians, there being not so much as the least marks or Footsteps of Religion of any Sort. Sundays being the only Time sett apart by then for all manner of vain Sports and lewd Diversions, and they were grown to such a Degree of Rudeness that it was intolerable, and having then to call heir Men under Arms, and to acquaint them, that in Case they would not in every Town agree amongst themselves to appoint Readers and pass the Sabbath in the best Manner they could till such Times as they could be better provided, that they should every Sunday call their Companies under arms, and spend the Day in Exercise; whereupon it was unanimously agreed on thro' the country, to make Choice of Readers; which they accordingly did, and continued in those Methods for some Time.' No attempt towards a settlement of the Church appears to have been made until 1698, when because 'Profaneness and Licentiousness had overspread the Province from want of a settled Ministry throughout the same, it was ordained by Act of Assembly that Six Protestant Ministers should be appointed therein.' But this Act began not to operate till 1697, when a church was built in the city of New York and the Vestry appointed thereto a Mr. Vesey (then with them) conditionally on this obtaining ordination in England. This he did, and for 50 years continued Rector of Trinity Church, during much of which time he was also the Bishop of London's Commissary for the Province.

In 1701 the population of the Province numbered 25,000. They were distributed 'in Twenty Five downs; about Ten of them Dutch, the rest English.' Long Island was 'a great place; with ' many Inhabitants.' The Dutch were Calvinists and had some 'Calvinistical Congregations,' 'The English some of them Independents but many of them no Religion, but like wild Indians.' There appeared to be 'no Church of England in all Long Island, nor in all that great Continent of New York Province, except at New York town.'<sup>78</sup>

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<sup>78</sup> Ibid., p. 57.

The colony of “New Netherlands” was settled by the Dutch in 1610 but the English wrested it from them in 1664, and Charles II ceded it to his younger brother, the Duke of York.<sup>79</sup> Thereafter, the colony was called “New York.” The Church of England did not organize missionaries for the colony until 1702, when six Anglican missionaries were sent there.<sup>80</sup> The Rev. Patrick Gordon was appointed to Jamaica, Long Island.<sup>81</sup> The Rev. J. Bartow was stationed at the West Chester, N.Y. district in 1702. The Rev. J. Thomas was stationed at Hemstead, New York from 1704-24.<sup>82</sup> And the Rev. E. MacKenzie was stationed at Staten Island, N.Y. in 1704. The Rev. G. Muirson was dispatched to Rye, N.Y. in 1705. And at New Rochelle, N.Y., Rev. D. Bondet was dispatched from 1709-1721; and, later, Rev. P. Stoupe was stationed there from 1723 – 1760.<sup>83</sup> In 1709, Rev. J. F. Haeger, of German descent, was sent to minister to German immigrants to New York.<sup>84</sup> He was assisted by Rev. J. Kocherthal.<sup>85</sup> And in Harlem, N.Y., the Rev. H. Beyse was sent to minister to Dutch residents there. Hence, from 1702 through the 1730s, the Church of England and its missionaries were very well received throughout the colony of New York.

Many of the early Colonial Governors and other laymen were ever ready to promote the establishment of the Church in America, and the aid rendered to the Society by such men as Colonel Morris, Colonel Heathcote, Colonel Dudley, General Nicholson, Governor Hunter, Sir William Johnson, and Mr. St. George Talbot deserves grateful acknowledgment. Besides rendering valuable service in their official capacity, some of these gave freely of their own substances. General Nicholson’s gifts extended to all the North American Colonies.<sup>86</sup>

In New York, the Anglican clergy did not discriminate on the basis of race or color, but indeed they recognized that even the white colonists had fallen into utter ignorance of the Gospel and were no better off, in this respect, when compared to the Native Americans or African Americans. “Among the European settlers, both

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<sup>79</sup> Ibid., p. 57.

<sup>80</sup> Ibid.

<sup>81</sup> Ibid.

<sup>82</sup> Ibid., p. 58.

<sup>83</sup> Ibid., p. 59.

<sup>84</sup> Ibid., p. 61.

<sup>85</sup> Ibid.

<sup>86</sup> Ibid.

here and generally in America, were many who, before the Society had established its Missions, were as far removed from God as the Negroes and Indians, and indeed whose lives proved a greater hindrance to the spread of the Gospel than those of their coloured brethren. That any race should be disqualified from having the message of salvation, because of the colour of their skin or any other reason, was ever repudiated by the Society [of the Propagation of the Gospel in Foreign Parts].”<sup>87</sup>

In New York, the instruction of African American slaves and Native Americans was the highest priority of the SPG.<sup>88</sup> For example, “[t]he Rev. T. Barclay who used his ‘utmost endeavors’ to instruct the slaves of Albany, discovered in 1714 ‘a great forwardness’ in them to embrace Christianity ‘and a readiness to receive instruction.’ Three times a week he received them at his own house....”<sup>89</sup> But some slave masters opposed giving their slaves a Christian education, and Rev. Barclay and others had to persuade them to permit such Christian instruction. One of the greatest benefactors of African Americans was layman named Elias Neau, who organized the “employment of sixteen clergymen and thirteen lay-teachers mainly for the evangelization of the slaves and free Indians.”<sup>90</sup> Mr. Neau’s work and contributions were highly praised by the his contemporaries in the SPG.<sup>91</sup> Mr. Neau’s legacy was carried on by Rev. T. Colgan and Rev. R. Charlton, who both baptized hundreds of African Americans.<sup>92</sup> “Great care was taken in preparing the slaves for baptism, and the spiritual knowledge of some of them was such as might have put to shame many persons who had had greater advantages. The Rev. S. Auchmuty reported that ‘not one single Black’ that had been ‘admitted by him to the Holy Communion’ had ‘turned out bad or been, in any shape, a disgrace to our holy Profession.’ During his time (1747 – 1764) the masters of the negroes became ‘more desirous than they used to be of having them instructed’ and consequently his catechumens increased daily.”<sup>93</sup> It may thus be firmly concluded that the SPG’s goal of catechizing the African slaves in New York was a resounding success.

The SPG’s missionary work among the surrounding Native Americans was both uneven and illusive.<sup>94</sup> “The free Indians, as well as the Indian and negro

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<sup>87</sup> Ibid., p. 63.

<sup>88</sup> Ibid.

<sup>89</sup> Ibid.

<sup>90</sup> Ibid.

<sup>91</sup> Ibid., pp. 63 – 65.

<sup>92</sup> Ibid., p. 65.

<sup>93</sup> Ibid., p. 65.

<sup>94</sup> Ibid., pp. 65- 74.

slaves, were an object of the Society's attention from the first. The difficulties of their conversion were great, but neither their savage nature nor their wandering habits proved such a stumbling block as the bad lives of the Europeans."<sup>95</sup> First off, the Native Americans were more difficult to approach and teach.<sup>96</sup> Many of them had ulterior motives and purposes. Most of them had exposure to various Christian denominations, such as Jesuit Catholicism, the Quakers, the Calvinists, and the Anglicans.<sup>97</sup> The Native Americans also had varying experiences with different groups of Europeans, such as the French as well as with the Englishmen.<sup>98</sup> Once they recognized that the French were jealous of the English, and that the Puritans and Anglicans and Roman Catholics did not like each other, the Native Americans became much more difficult to persuade or to convert to Christianity.<sup>99</sup> "On the other hand, intercourse with the Europeans brought the Indians great temptation, which, when not engaged in war, they were often unable to resist. The effects of strong liquor drove them mad at times, so that they burnt their huts, and threatened the lives of their families, and at one period there were 55 deaths within six months, chiefly from drink."<sup>100</sup> Moreover, many of the Native Americans insightfully noticed the inconsistencies between the lifestyles which they observed many Englishmen living, such as the alcoholism, and the rum and gun sales.<sup>101</sup> The French also heavily recruited the Native Americans and tried to organize them in commercial and military alliances against the Englishmen.<sup>102</sup> Some the Native American tribes, such as the Mohawks, remained loyal to the English. However, the French and Indian War (1754 – 1763) made it impossible for the SPG to effectively carry out its missionary work in New York.

The next major obstacle to the SPG's missionary work was the American Revolution (1775 – 1763).<sup>103</sup> In a word, many of the Revolutionary rebels wanted to abolish the Church of England in America and they targeted both Anglican priests and churches.<sup>104</sup> Their attacks upon them were ruthless and brutal.<sup>105</sup> (See, e.g., **Appendix A**, for a history of Columbia University (i.e., King's College), which was founded as an Anglican institution, recounting its story of trial and turmoil during the American Revolutionary War). Anglican priests everywhere in

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<sup>95</sup> Ibid., p. 65.

<sup>96</sup> Ibid., pp. 65-74.

<sup>97</sup> Ibid.

<sup>98</sup> Ibid.

<sup>99</sup> Ibid.

<sup>100</sup> Ibid., p. 73.

<sup>101</sup> Ibid., pp. 65-74

<sup>102</sup> Ibid.

<sup>103</sup> Ibid., pp. 74 – 78.

<sup>104</sup> Ibid.

<sup>105</sup> Ibid.

New York were assaulted, imprisoned, beaten and murdered.<sup>106</sup> Their wives and families were divested of home, personal property, and livelihood.<sup>107</sup> Many of them fled to Canada or found safety behind the lines of the British garrisons; but some stayed in New York but were forced to close their churches.<sup>108</sup> In 1785, the SPG left both New York and the United States of America, but the Anglican Church was reorganized as the Protestant Episcopal Church of the United States of America in 1789.

Mr. Elias Neau, pp. 63-64.

### **E. The Colony of New Jersey and the SPG, 1701 - 1785**

The SPG's leading missionary Rev. George Keith found the colony of New Jersey in a very spiritually and morally debilitated state in 1702. "The population off the two provinces numbered about 11,000, and, according to Keith, 'except in two or three towns,' there was 'no place of any public worship of any sort,' but people lived 'very mean like Indians.'"<sup>109</sup>

Louis Duchense and Charles Frederick Pascoe, *Two Hundred Years of the S.P.G.: An Historical Account of the Society for the Propagation of the Gospel in Foreign Parts, 1701 – 1900* (London, England: SPG, 1901), p. 52, describes the colonial mission in New Jersey as follows:

New Jersey was first settled in 1624 by Danes. They were soon followed by Swedes and Dutch; but in 1664 the country was acquired by the English and granted to the Duke of York, who transferred it to Lord Berkeley and Sir George Carteret. By them it was divided into two districts, 'East and West Jersies'; and in 1702 surrendered to Queen Anne, when the name of New Jersey (after Lord Carteret ex-Governor of the Isle of Jersey) was resumed for the whole country.' The earliest English settlers were Quakers and Anabaptists; and it was by two members of those persuasions that an attempt 'to settle a maintenance... for ministers' in 1697 was defeated.

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<sup>106</sup> Ibid.

<sup>107</sup> Ibid.

<sup>108</sup> Ibid.

<sup>109</sup> Ibid., p. 52.

In the year 1701, the Society for the Propagation of the Gospel in Foreign Parts (SPG) also seems to have found the young people of the colony of New Jersey to have been in a very morally dilapidated state. “In 1701 Colonel Morris represented to the Society that ‘the of the whole Province’ of East Jersey were ‘very debauch’d and very ignorant, and the Sabbath Day seems there to be set apart for Rytting and Drunkenness. In a word a General Ignorance and immorality runs through the whole Province.’” Colonel Morris also described the “inhabitants of Middletown” as “ ‘perhaps the most ignorant and wicked people in the world; their meetings on Sundays is at the publick house where they get their fill of rum and go to fighting, and running of races which are practices much in uses that day all the Province over.’”<sup>110</sup>

Since the colony of New Jersey was in such a spiritually and morally-dilapidated state, the SPG and the colony’s governor resolved in 1702 that three missionaries should be immediately dispatched to that colony; and that it be divided into parishes with church and library. Places of worship were erected even without the appointment of a pastor.<sup>111</sup> This exemplified the earnestness with which the colony sought religion and an appeal to the Church of England to send pastors. The colony’s first pastors include Rev. J. Brook, Rev. E. Vaughan, Rev. Dr. Chandler, Rev. A. Treadwell, Rev. T. Thompson, and the Rev. M. Houdin.<sup>112</sup>

The 1760s and 70s brought difficult times to the Anglican Church in New Jersey. The American Revolutionary War (1775- 1781) began to take its toll. By 1776, “all the Churches in New Jersey were shut up, some being desecrated, and pastor and flock were persecuted and scattered.”<sup>113</sup> The Rev. I. Browne, for instance, was forced to flee to the colony. The SPG’s work came to an abrupt halt at the end of the war, and though prayers went up daily for it to return, “[i]t pleased God that this prayer should not be granted....”<sup>114</sup>

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<sup>110</sup> Ibid., p. 52.

<sup>111</sup> Ibid., p. 53.

<sup>112</sup> Ibid., pp. 54-55.

<sup>113</sup> Ibid., p. 55.

<sup>114</sup> Ibid.

## F. The Colony of Maryland and the SPG, 1701 - 1785

In 1701, the population of Maryland was only 25,000, but it was ripe for missionary work for the Church of England, because the colony had once been Roman Catholic but William III, through Act of Assembly, authorized the Church of England to establish churches in the colony in 1692. This was largely through the work of Rev. Dr. Thomas Bray, who visited this colony during the late 1690s and under the auspices of the Bishop of London Henry Compton. It is believed that the origins of the Society for the Propagation of the Gospel in Foreign Parts (SPG) was originated by Rev. Bray during his missionary work in Maryland during the late 1690s.

Louis Duchense and Charles Frederick Pascoe, *Two Hundred Years of the S.P.G.: An Historical Account of the Society for the Propagation of the Gospel in Foreign Parts, 1701 – 1900* (London, England: SPG, 1901), p. 81, describes the colonial mission in Maryland as follows:

Maryland—so named in honour of Henrietta Maria, consort of Charles I.—was first settled in 1634 under a Charter granted to Lord Baltimore, a Roman Catholic. Toleration having been granted to all who professed the Christian religion, the Colony, at first mainly Romanist, lost its exclusive character, and local provision was made for establishing the Church of England by Act of Assembly in 1692 &c.

In 1703, the Society for the Propagation of the Gospel in Foreign Parts (SPG) sent missionaries Rev. George Keith and Rev. John Talbot to this colony. The colony thereafter experienced continuing growth not simply in Anglican churches but also in religious freedom generally. The American Revolutionary War (1775 – 1781) did not seem to bring the same hardship to Maryland's Anglican churches that it brought in other colonies.

## G. The Colony of South Carolina and the SPG, 1701 - 1785

The colony of South Carolina was founded and chartered by King Charles II in 1662. Charles II was a Roman Catholic, a promoter of the Royal African Society and the transatlantic slave trade, and a brutal repressor of the civil rights of his fellow Englishmen. (I note, too, that the city of Charleston, South Carolina, which bore King Charles II's name, tended to reflect the king's character and attitude toward slavery, human rights, and commerce). Thus based upon King Charles II's record, we should not be surprised to learn that the colony of South Carolina was not founded with the objective of promoting either the Christian faith or holiness among its colonists.<sup>115</sup> Therefore, when the Society for the Propagation of the Gospel in Foreign Parts (SPG) entered the missionary field there during the early 1700s, it found that the merchants of South Carolina were attempting to overthrow the Anglican Church and that:

[n]umbers of the English settlers were 'in such a wilderness and so destitute of spiritual guides and all the means of grace' that they 'were making near approach to that heathenism which is to be found among negroes and Indians.'...<sup>116</sup>

For the Colonists, Missionaries were needed even more than for the negroes and Indians. So many of the settlers live 'worse than the heathen' that the province was (in 1710 – 14) 'spoiled with blasphemy, Atheism and Immorality,' and the great obstacle to the free Indians embracing the Christian religion was the 'scandalous and immoral life of the white men' among them calling themselves 'Christians.' In the case of the slaves (negroes and Indians), many of the masters were extremely inhuman, 'esteeming them no other than beasts,' and while, it is hoped, few went to the extent of scalping an Indian woman (as one did in 1710), the owners generally were, at first, opposed to the endeavors of the Missionaries to instruct the slaves.<sup>117</sup>

' "What!" said a lady; considerable enough in any other respect but in that of sound knowledge; "Is it possible that any of my slaves could go to heaven, and must I see them there?" "A young gent had said some time before that he is resolved never to come to the holy table

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<sup>115</sup> Ibid., p. 13.

<sup>116</sup> Ibid.

<sup>117</sup> Ibid., p. 15.

while slaves are received there.’ (L. from Rev. Dr. Le Jau, of Goosecreek, Aug. 18, 1711.<sup>118</sup>

Thus, the religious needs of the colonists of South Carolina had seemingly been neglected until the SPG arrived there in 1702. The colonists were reduced to private family worship only. And Sunday, or the Lord’s Day, was systematically ignored or “profaned.”<sup>119</sup> The Holy Communion and Baptism thus were not practiced in formal church settings.

Louis Duchense and Charles Frederick Pascoe, *Two Hundred Years of the S.P.G.: An Historical Account of the Society for the Propagation of the Gospel in Foreign Parts, 1701 – 1900* (London, England: SPG, 1901), p. 12, describes the colonial mission in South Carolina as follows:

South Carolina (originally united with North Carolina in one colony) was settled under a Charter granted to a Company in 1662, whose professed motives were (1) a desire to enlarge his Majesty’s dominions and (2) ‘zeal for the propagation of the Christian faith in a country not yet cultivated or planted, and only inhabited by some barbarous people who had no knowledge of God.’ But the Society found in 1701 that more than one-half of the 7,000 Colonists (to say nothing of the negroes and Indians) were themselves living regardless of any religion, there being only one\* Church (at Charlestown), no schools, and few dissenting teachers of any kind.

The first SPG missionary to South Carolina was Rev. S. Thomas in 1702.<sup>120</sup> While there, Rev. Thomas discovered what had appeared to be a “civil war” between the South Carolinian merchants and the regular Anglican clergy. A merchant named Joseph Boone filed the following petition in the House of Lords:

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<sup>118</sup> Ibid.

<sup>119</sup> Ibid.

<sup>120</sup> Ibid., pp. 12-13.

That the **Ecclesiastical Government** of the said Colony is under the Jurisdiction of the Lord Bishop of London. But the **Governor and his Adherents** have at last, which the said adherents had often threatened, **totally abolished it**: For the said Assembly hath lately passed an Act whereby twenty Lay-Persons therein-named, are made a Corporation, for the exercise of several exorbitant Powers, to the great Injury and Oppression of the People in general, and for the exercise of all Ecclesiastical Jurisdiction, **with absolute Power to deprive any Minister of the Church of England of his Benefice**, not only for his Immorality, but even for his Imprudence, or for Innumerable Prejudices and animosities between such Minister and his Parish. And the only Church of England Minister, that is established in the said Colony, the Rev. Mr. Edward Marston, hath already been cited before their Board; which the Inhabitants of that Province take to be a high Ecclesiastical Commission Court, destructive to the very being and essence of the Church of England and to be had in the utmost Detestation and Abhorrence by every Man that is not an Enemy to our Constitution in Church and State.’<sup>121</sup>

Hence, the religious or ecclesiastical government of South Carolina was early and largely opposed by secular and lay forces, including the governor. The House of Lords expressed disapproval of this opposition as follows: “That the Act of the [South Carolina] Assembly lately past there... so far forth as the same relates to the establishing a Commission for the displacing the Rectors or Ministers of the Churches there, is not warranted by the Charter granted to the Proprietors of that Colony, as being not consonant to Reason, repugnant to the Laws of this Realm, and destructive to the Constitution of the Church of England.”<sup>122</sup>

Furthermore, Queen Anne (1702 – 1714) strengthened the Church of England in South Carolina. “A new Act was passed in 1706 in which provision was made for raising the salaries of the clergy from £ 50 to £ 100 per annum.” But there was sharp resistance to the Church of England in South Carolina. The governor and many merchants did not want an established church there. Any chief among the complaints were opposition to the instruction of African slaves in the colony. But these complaints were against the settled policy of the Society for the Propagation of the Gospel in Foreign Parts, which was to teach the Christian faith to African

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<sup>121</sup> Ibid., pp. 13-14.

<sup>122</sup> Ibid., p 14.

slaves and Indians. Indeed, as South Carolina's first SPG missionary Rev. Taylor wrote:

As I am a Minister of Christ and of the Church of England, and a Missionary of the Most Christian Society in the whole world, I think it my indispensable and special duty to do all that in me lies to promote the conversion and salvation of the poor heathens here, and more especially of the Negro and Indian slaves in my own parish, which I hope I can truly say I have been sincerely and earnestly endeavoring ever since I was minister here where there are many Negro and Indian slaves in a most pitiful deplorable and perishing condition tho' little pitied by many of their masters and their conversion and salvation little desired and endeavoured by them. If the Masters were but good Christians themselves and would but concur with the Ministers, we should then have good hopes of the conversion and salvation at least of some of their Negro and Indian slaves. But too many of them rather oppose than concur with us and are angry with us, I am sure I may say with me for endeavoring as much as I do the conversion of their slaves....'

The desire of the slaves for instruction was so general that but for the opposition of the owners there seems no reason why the whole of them should not have been brought to Christ. So far as the Missionaries were permitted, they did all that was possible for their evangelization, and while so many 'professed Christians' among the planters were 'lukewarm,' it pleased God 'to raise to Himself devout servants among the heathen,' whose faithfulness was commended by the masters themselves. In some of the congregations the negroes or blacks furnished one-half of the Communicants out of a total of 50.<sup>123</sup>

In addition to attempts to teach the Christian faith to African slaves, the SPG sought to evangelize the local Native Americans. "The free Indians were described as 'a good sort of people, and would be better if not spoiled by bad example'" of the English settlers. But as early as 1715, a war between the colonists and the Native Americans ensued. "The efforts of a few righteous men availed not, however, to save the province from the calamities of a war which proved as disastrous to the Mission cause as to the material interests of the country. This war was caused partly by the oppression of the traders, who, having sown the wind,

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<sup>123</sup> Ibid., p. 16.

were now to reap the whirlwind.”<sup>124</sup> The Yammonsees, Appellachees, Calabaws, and Creeks joined forces against the white Englishmen. This Indian war caused great suffering among the SPG missionaries. The SPG’s missionary instruction of Native Americans in South Carolina ended with the advent of the war in 1715.

During the meanwhile, the SPG persisted in its noble effort to teach the Christian faith, against the desires of the colony’s slave masters, to African slaves.

In 1743, two negroes having been purchased and trained as teachers at the cost of the Society, a school was opened at Charleston by Commissary Garden, with the object of training the negroes as instructors of their countrymen. The school was continued with success for more than 20 years, many adult slaves also attending in the evening for instruction. This was done by the Church in the face of many difficulties and obstructions, and at a time when the Government had not once institution for the education of the 50,000 slaves in the Colony.<sup>125</sup>

At the same time, the SPG inspired “a real interest in spiritual things,” including the building of churches and schools throughout the colony.<sup>126</sup> The SPG’s progress remained steady in South Carolina through the 1750s and 60s, and until the time of the American Revolutionary War (1775 – 1781). As in the other colonies in British North America, the SPG’s work came to an end in South Carolina after about the year 1785.

## **H. The Colony of North Carolina and the SPG, 1701 - 1785**

North Carolina was sandwiched between the colony of Virginia, which had a very strong presence of the established Church of England, and the colony of South Carolina which staunchly fought the presence of the established Church in that colony. But there is nothing particularly remarkable about the Society for the Propagation of the Gospel in Foreign Parts (SPG) in the colony of North Carolina, since few SPG missionaries were able to settle in that colony. “The Society had long had reason to complain that the inhabitants of North Carolina, though frequently called upon to build churches and parsonages and to fix glebes and salaries for settled Missionaries did little or nothing. Up to 1764 only one glebe-house had been finished, but in that year Governor Dobbs obtained some better

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<sup>124</sup> Ibid., p. 17.

<sup>125</sup> Ibid., p. 18.

<sup>126</sup> Ibid., pp. 18 – 19.

provision for the maintenance of the Clergy, whose number, then only six, increased threefold in the next seven years.”<sup>127</sup>

Louis Duchense and Charles Frederick Pascoe, *Two Hundred Years of the S.P.G.: An Historical Account of the Society for the Propagation of the Gospel in Foreign Parts, 1701 – 1900* (London, England: SPG, 1901), p. 20, describes the colonial mission in North Carolina as follows:

North Carolina was included in the Charter granted to the South Carolina Company in 1662. In 1701 it contained at least 5,000 Colonists, besides negroes and Indians, all living without any minister and without any form of Divine worship publicly performed. Children had grown up and were growing up unbaptized and uneducated; and the dead were not buried in any Christian form.

According to an old resident, some good had been effected by religious books supplied by the Rev. Dr. Bray in 1699- 1700; but this to a certain extent had been counteracted by the ill behavior of the first clergyman, the Rev. Daniel Brett, who also appears to have been sent over by Dr. Bray in the latter year. ‘For about a year he behaved himself in a modest manner, and after that in an horrid manner. [1][Mr. H. Walker to Bishop of London, Oct. 21, 1703].

The SPG’s mission work among the Native American tribes was negligible in North Carolina, due in large measure to the hostilities between them and the Englishmen.<sup>128</sup> With respect to mission work among African slaves in the colony, there was much resistance from English slave masters,<sup>129</sup> although a few of the masters were persuaded to permit their slaves to receive religious education. But not only were there few missionaries in North Carolina, but “[i]n no department of their work did the Missionaries in North Carolina receive much help from the

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<sup>127</sup> Ibid., pp. 24-25.

<sup>128</sup> Ibid., p. 22.

<sup>129</sup> Ibid.

Colonists.”<sup>130</sup> By the year 1732, “there was not one Minister of the Church of England in North Carolina.”<sup>131</sup> In the years leading up to the American Revolution (1775 – 1781), the question arose as to whether a lay person could receive orders to the pastoral ministry, but the absence of a bishop in North America ruled out this possibility. As a consequence, the Anglican Church did not grow and thus had a limited presence in the colony of North Carolina.

## **I. The Colony of Georgia and the SPG, 1701 – 1785.**

Lastly, when we come to the history of the founding of Georgia, we find a most interesting of all the SPG’s Christian enterprises. Rev. Dr. Thomas Bray’s Associates, which included General James Oglethorpe, formed the nucleus of Georgia’s original trustees. The colony was founded by Christians in order to help poor whites, Indians, and African Americans, and, as such, it originally promoted morals, sobriety, and the prohibition of slavery. Rev. Bray and Gen. Oglethorpe apparently worked closely together in laying the groundwork of establishing the Georgia colony:

At the time of the parliamentary enquiry. Bray and Oglethorpe conferred on the subject of the goals and the alleviation of the condition of the debtors there. A plan for the colonization of the debtors took form; and Oglethorpe accepted the trust of such an undertaking. A legacy of £5000 was found available, provided it could be annexed to some trust already in existence. So Oglethorpe proposed that the original number of the Associates be augmented, thus combining the reforming group in Parliament with the philanthropists outside, in a constructive effort on behalf of the poor. By July, 1730, the organization was apparently completed. In this way, the enlarged Associates of Doctor Bray formed the nidus of the Georgia Board of Trustees. The Associates included some eight individuals, who never served as trustees of Georgia; but no member of the board as first named was chosen from outside that composite charitable society. At the head of its membership were three of the original group of Associates. And even after the Georgia charter had passed the seals, for a time the business of the Associates and the Georgia Trustees was jointly transacted.<sup>132</sup>

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<sup>130</sup> Ibid.

<sup>131</sup> Ibid., p. 23.

<sup>132</sup> p. 316.

Thus, Georgia was the result of missionary objectives of the Society for the Propagation of the Gospel in Foreign Parts, Dr. Bray, and his “Associates.”

Louis Duchense and Charles Frederick Pascoe, *Two Hundred Years of the S.P.G.: An Historical Account of the Society for the Propagation of the Gospel in Foreign Parts, 1701 – 1900* (London, England: SPG, 1901), p. 26, describes the colonial mission in Georgia as follows:

Georgia was established as an English Colony in 1733 with the object of protecting the southern provinces of North America against the encroachments of the Spaniards and French, and at the same time affording an asylum to poor English families and to those Protestants in Germany who were being persecuted because of their religion. By the exertions of a philanthropist, General James Oglethorpe, a charter was granted by George II, in 1732, placing the administration of the Colony in the hands of a Corporation of Trustees—mostly Churchmen—at whose instance not only was liberty of conscience guaranteed, but the Trustees themselves were debarred from receiving any ‘profit whatsoever’ by or from the undertaking. The first settlers were sent out by the Trustees consisted of 35 families, in all about 120 ‘sober, industrious and moral persons.’ They were led by General Oglethorpe, and embarking at Deptford, after a service in Milton Church, they arrived at Georgia in January 1733. They were accompanied by the Rev. Henry Herbert, D.D., who after three months’ ministrations returned to England to die. The expulsion of 25,000 German Protestants from the province of Saltzburg, Bavaria, on account of their religion, evoked English sympathy to the extent of £ 33,000, and some 250 of these exiles were, by the aid of the S.P.C.K., sent to Georgia about 1735.<sup>133</sup>

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<sup>133</sup> Ibid., p. 26.

As previously mentioned, Georgia’s founders were opposed to slavery. James Oglethorpe, who was Georgia’s first governor, was personally opposed to slavery.<sup>134</sup> Historian W.E.B. Du Bois thus describes both Governor Oglethorpe and the founding of Georgia as in its inception Christian missionary project, as follows:

In Georgia we have an example of a community whose philanthropic founders sought to impose upon it a code of morals higher than the colonists wished. The settlers of Georgia were of even worse moral fibre than their slave-holding and whiskey-using neighbors in Carolina and Virginia; yet Oglethorpe and the London proprietors prohibited from the beginning both the rum and the slave traffic, refusing to ‘suffer slavery (which is against the Gospel as well as the fundamental law of England) to be authorized under our authority.’<sup>135</sup>

From between 1735 and 1751, the ban on human slavery continued in the Georgia colony.<sup>136</sup> During this period, the SPG and its Anglican missionaries fought against powerful economic interests—such as English merchants and neighboring

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<sup>134</sup> In a letter, General Oglethorpe wrote: "My friends and I settled the colony of Georgia, and by charter were established trustees. We determined not to suffer slavery there, but the slave merchants and their adherents not only occasioned us much trouble, but at last got the Government to sanction them. ... Slavery, is against the Gospel, as well as the fundamental law of England. We refused as trustees to make a law permitting such a horrid crime." <https://americasbesthistory.com/abhtimeline1735m2.html>

<sup>135</sup> W.E.B. Du Bois, "The Suppression of the African Slave Trade," *Writings* (New York, N.Y.: The Library of America, 1986), p. 15. (See, also, Michael Thurmond, "Why Georgia’s Founder Fought Slavery," <https://www.savannahnow.com/article/20080215/OPINION/302159906>, stating:

These original Georgians arrived in the New World, inspired by the promise of economic opportunity embodied in the Georgia plan. This bold visionary plan established Georgia as a unique economic development and social welfare experiment.

The new colony was envisioned as an "Asylum of the Unfortunate," a place where England’s "worthy poor" could earn a living exporting goods produced on small farms. From the outset, Oglethorpe and his colleagues found slavery inconsistent with the colony’s goals, arguing that it would undermine poor, hardworking white colonists.

Oglethorpe later asserted that he and his fellow trustees **prohibited slavery because it was "against the Gospel, as well as the fundamental law of England."**

<sup>136</sup> "The Georgia Experiment was the colonial-era policy prohibiting the ownership of slaves in the Georgia Colony. At the urging of Georgia's proprietor, General James Oglethorpe, and his fellow colonial trustees, the British Parliament formally codified prohibition in 1735, two years after the colony's founding. The ban remained in effect until 1751, when the diminution of the Spanish threat and economic pressure from Georgia's emergent planter class forced Parliament to reverse itself." [https://en.wikipedia.org/wiki/Georgia\\_Experiment](https://en.wikipedia.org/wiki/Georgia_Experiment)

South Carolinian slave traders—in order to maintain its anti-slavery public-policy position. But what was perhaps most impressive about Georgia was that its founders were not only opposed to slavery, but they were also highly committed to the education of African Americans.<sup>137</sup>

The capital of Georgia was established at Savannah. An Anglican church was established there as well, with the first appointed pastor being Rev. Samuel Quincy. Rev. Quincy served in that position from 1732 to 1736, when he was succeeded by the Rev. John Wesley.<sup>138</sup> Rev. Wesley thus came to Georgia as a missionary of the Society for the Propagation of the Gospel in Foreign Parts. He “found little opportunity of carrying out his design of evangelizing the [Native Americans], owing to the bad lives of his countrymen.... The claims of the settlers at Savannah and neighborhood left him no time for preaching to the Indians, although he made several attempts to do so.”<sup>139</sup> Indeed, Rev. Wesley’s parish in Savannah rejected his high-church methods and discipline. As a young minister, Rev. Wesley knew no other method than the “strictest discipline of the Church,” but before he could grow in his ministry there in Georgia, an unfortunate circumstance occurred—a sexual harassment complaint—forced him to leave Georgia sooner than when he had originally planned. Rev. Wesley was charged by a fellow parishioner with “defaming his wife and repelling her without cause.”<sup>140</sup> “Wesley denied the first charge, also the right of a secular court to adjudicate on the second—a matter purely ecclesiastical. The whole Colony became involved in the quarrel.”<sup>141</sup> For this reason Rev. Wesley left Georgia, having thus written in his journal of December 2, 1737:

Being now only a prisoner at large, in a place where I knew, by experience, every day would give fresh opportunity to procure evidence of words I never said, and actions I never did, I saw clearly the hour was come for leaving this place; and as soon as evening prayers were over, about eight o’clock, the tide then serving, I shook off the dust of my feet and left Georgia, after having preached the Gospel there (not as I ought, but as I was able) one year and nearly nine months.<sup>142</sup>

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<sup>137</sup> See, generally, Edgar Legare Pennington, “Thomas Bray’s Associates and their Work Among the Negroes,” *Proceedings of the American Antiquarian Society* (1938), pp. 311- 402.

<sup>138</sup> Louis Duchense and Charles Frederick Pascoe, *Two Hundred Years of the S.P.G.: An Historical Account of the Society for the Propagation of the Gospel in Foreign Parts, 1701 – 1900* (London, England: SPG, 1901), pp. 26-27.

<sup>139</sup> *Ibid.*, p. 27.

<sup>140</sup> *Ibid.*, p. 28.

<sup>141</sup> *Ibid.*

<sup>142</sup> *Ibid.*

After the year 1751, when Georgia voted to allow slavery, the SPG, “joined with Dr. Bray’s Associates in supporting a school master for the negroes...and an improvement in the slaves was soon admitted by their owners. At Augusta the Rev. S. Frink, in 1766, who made some converts among the negroes, reported his efforts to cover the Cheeksaw [Chickasaw] Indians ‘all to no purpose while many of the white people ‘were’ as destitute of a sense of religion as the Indians themselves.”<sup>143</sup>

In 1758, the Georgia Assembly divided the colony into eight parishes and made provision for a church and a priest for each parish, but “so little advantage was taken of the Act that the Church of England remained established in name only. The condition of the settlers in 1769, when there were but two churches in the whole of the colony, and these 150 miles apart, was thus described by Mr. Frink:--

‘They seem in general to have but very little more knowledge of a Savior than the aboriginal natives. Many hundreds of poor people, both parents and children, in the interior of the province, have no opportunity of being instructed in the principles of Christianity or even in the being of a God, any further than nature dictates.’<sup>144</sup>

Thus, even before the outbreak of the American Revolutionary War (1775 – 1781), the state of religion in the colony of Georgia can be described as “indifference and opposition,” and, during the revolutionary war, these were “succeeded” by “persecution.”<sup>145</sup> For instance, Rev. J. Seymour, pastor of the Anglican Church at Augusta, Georgia, performed his ministerial duties during the period of the revolutionary war “often ‘threatened by the mob’.”<sup>146</sup> Rev. Seymour and his family were forced to flee, as “‘35 innocent loyalists’ in Augusta were ‘murdered’ ‘in their homes.’”<sup>147</sup> Hence, with the end of the American Revolutionary War, the work of the SPG officially ended in Georgia.

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<sup>143</sup> Ibid.

<sup>144</sup> Ibid.

<sup>145</sup> Ibid., pp. 28 – 29.

<sup>146</sup> Ibid., p. 29.

<sup>147</sup> Ibid.

## CONCLUSION

The Society for the Propagation of the Gospel in Foreign Parts (SPG) was founded in 1701 in order to spread the Gospel of Christ to the far reaches of the British Empire. It performed noble work, with varying measures of success, in colonial Virginia, New England, Pennsylvania, Maryland, New Jersey, New York, North Carolina, South Carolina, and Georgia. When the SPG failed in achieving its mission work, due in large measure to the American Revolutionary War (1775 – 1781), this great Anglican institution was never able to establish firm roots on American soil. What colonial America lost was the establishment upon American soil of a great Anglican institution—the Church of England, the mother of Anglo-American constitutional law and jurisprudence and the moral voice of the British Empire. The loss of this great Anglican institution hastened the decline of the influence of the Christian faith upon American jurisprudence— i.e., the English system of “Higher Law,” ecclesiastical law, and equity jurisprudence was significantly subordinated by other priorities (e.g., commercial interests) within American jurisprudence. This loss of the Anglican influence upon American jurisprudence also likely extended the life of African slavery upon American soil by several decades. Like the untimely death of a great human soul, the SPG died an untimely death in the United States of America in 1785.

**THE END**

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## APPENDIX A

### *Columbia University (King's College) in the City of New York*

The founding of what is today known as Columbia University traces its roots to the Society for the Propagation of the Gospel in Foreign Parts:

Discussions regarding the founding of a college in the Province of New York began as early as 1704, at which time Colonel Lewis Morris wrote to the **Society for the Propagation of the Gospel in Foreign Parts**, the **missionary arm of the Church of England**, persuading the society that New York City was an ideal community in which to establish a college. However, it was not until the founding of the College of New Jersey (renamed Princeton) across the Hudson River in New Jersey that the City of New York seriously considered founding a college.

In 1746, an act was passed by the general assembly of New York to raise funds for the foundation of a new college. In 1751, the assembly appointed a commission of ten New York residents, seven of whom were members of the Church of England, to direct the funds accrued by the state lottery towards the foundation of a college.

Classes were initially held in July 1754 and were presided over by the college's first president, Dr. Samuel Johnson.[27]:8–10 Dr. Johnson was the only instructor of the college's first class, which consisted of a mere eight students. Instruction was held in a new schoolhouse adjoining Trinity Church, located on what is now lower Broadway in Manhattan.[28]:3 The college was officially founded on October 31, 1754, as King's College by royal charter of George II, making it the oldest institution of higher learning in the State of New York and the fifth oldest in the United States.

In 1763, Dr. Johnson was succeeded in the presidency by Myles Cooper, a graduate of The Queen's College, Oxford, and an ardent Tory. In the charged political climate of the American Revolution, his chief opponent in discussions at the college was an undergraduate of the class of 1777, Alexander Hamilton. [28]:3 The Irish anatomist, Samuel Clossy, was appointed professor of natural philosophy in October 1765 and later the college's first professor of anatomy in

**1767. The American Revolutionary War broke out in 1776, and was catastrophic for the operation of King's College, which suspended instruction for eight years beginning in 1776 with the arrival of the Continental Army. The suspension continued through the military occupation of New York City by British troops until their departure in 1783.** The college's library was looted and its sole building requisitioned for use as a military hospital first by American and then British forces. **Loyalists were forced to abandon their King's College in New York, but some led by Bishop Charles Inglis fled to Windsor, Nova Scotia, where they founded King's Collegiate School and the University of King's College.**<sup>148</sup>

THE END

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<sup>148</sup> Columbia University, [https://en.wikipedia.org/wiki/Columbia\\_University#History](https://en.wikipedia.org/wiki/Columbia_University#History)

## APPENDIX B

### *The College of William and Mary in Williamsburg, Virginia*

*By Roderick O. Ford, Litt.D.*

Even before the founding of the Society for the Propagation of the Gospel in Foreign Parts, the Church of England had already established an Anglican divinity school within the College of William and Mary, which was the second oldest college in North America, having been founded in 1693. The College of William & Mary was thus an Anglican institution, and the first American educational institution with a royal charter.

A school of higher education for both Native American young men and the sons of the colonists was one of the earliest goals of the leaders of the Colony of Virginia.

The college was founded on February 8, 1693, under a royal charter (legally, letters patent) to "make, found and establish a certain Place of Universal Study, a perpetual College of Divinity, Philosophy, Languages, and other good arts and sciences...to be supported and maintained, in all time coming." Named in honor of the reigning monarchs King William III and Queen Mary II, the college is the second oldest college in the United States.

The original plans for the college date back to 1618 at Henrico but were thwarted by the Indian Massacre of 1622, a change in government (in 1624, the Virginia Company's charter was revoked by King James I and the Virginia Colony was transferred to royal authority as a crown colony), events related to the English Civil War, and Bacon's Rebellion.

In 1695, before the town of Williamsburg existed, construction began on the College Building, now known as the Sir Christopher Wren Building, in what was then called Middle Plantation (Virginia). It is the oldest college building in America. The college is one of the country's nine Colonial Colleges founded before the American Revolution.

The Charter named James Blair as the college's first president (a lifetime appointment which he held until his death in 1743). **William & Mary was founded as an Anglican institution; students were required to be members of the Church of England, and professors were required to declare adherence to the Thirty-Nine Articles....**

Williamsburg was granted a royal charter as a city in 1722 by The Crown and served as the capital of Colonial Virginia from 1699 to 1780. During this time, the college served as a law center and lawmakers frequently used its buildings. It educated future U.S. Presidents Thomas Jefferson, James Monroe, and John Tyler. The college has been called "the Alma Mater of a Nation" because of its close ties to America's founding fathers. A 17-year-old George Washington received his surveyor's license through the college and would return as its first American chancellor.

However, following the American Revolution (1776 - 1781), colonial governor Thomas Jefferson and others abolished its Divinity School in 1779, as an act of revolutionary defiance, and established, inter alia, the nation's first Law School during that same year:

During the period of the American Revolution, freedom of religion was established in Virginia notably with the 1786 passage of the Virginia Statute for Religious Freedom. Future U.S. President James Madison was a key figure in the transition to religious freedom in Virginia, and Right Reverend James Madison, his cousin and Thomas Jefferson, who was on the Board of Visitors, helped the College of William & Mary to make the transition as well. In 1779 the college became the first American university with the establishment of the graduate schools in law and medicine. As its president, Reverend Madison worked with the new leaders of Virginia, most notably Jefferson, on a reorganization and changes for the college which included the abolition of the Divinity School....<sup>149</sup>

Why were the College of William and Mary's divinity schools abolished, and other secular schools (including a law school) established in 1779? According to

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<sup>149</sup> [https://en.wikipedia.org/wiki/College\\_of\\_William\\_%26\\_Mary#Colonial\\_era:\\_1693%E2%80%931776](https://en.wikipedia.org/wiki/College_of_William_%26_Mary#Colonial_era:_1693%E2%80%931776)

Thomas Jefferson, the older Anglican curriculum, with its emphasis on Greek and Latin, and theology, lacked practicality and took resources away from the sciences, moral philosophy and other more practical and useful curricula. The college's charter restricted the ability to create new chairs or departments; and the American Revolutionary War had so exhausted funding to the college that by the year 1781 or 1782, its board of trustees (i.e., "visitors") were forced to make changes, and thus "[t]hey **excluded the two schools for divinity**, and that for the Greek and Latin languages, and substituted others; so that at present they stand thus:

A Professorship for Law and Police:

Anatomy and Medicine:

Natural Philosophy and Mathematics:

Moral Philosophy,

The Law of Nature and Nations,

The Fine Arts:

Modern Languages...."<sup>150</sup>

At the same time, Thomas Jefferson, as Virginia's governor and member of the College of William and Mary's board, established the nation's first law school, based upon republican constitutional principles and ideas of natural law and natural rights. Jefferson appointed his former law mentor George Wythe as Professor of Law. Hence, the Anglican system of constitutional and common law—where the Christian faith and the Church of England served as the cornerstone of jurisprudence—did not survive the American Revolution in the state of Virginia.

**THE END**

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<sup>150</sup> "Notes on the State of Virginia" *Thomas Jefferson Writings* (New York, N.Y.: The Library of America, 1984), pp. 276-277.

## APPENDIX C

### **“Why the Society for the Propagation of the Gospel in Foreign Parts (S.P.G.) failed to create an established Anglican Church in colonial British North America” by Roderick O. Ford, Litt.D.**

The Society for the Propagation of the Gospel (SPG) was created in 1701 primarily to carry the Gospel of Jesus Christ to lost souls in British North America, but because the SPG as an official arm of the Church of England, its noble missionary work was swallowed up in the American Revolutionary War (1775 – 1781) and the “Spirit of 1776,” which advocated for freedom from the king, the church, and even the orthodox Christian faith. Under these conditions, the SPG’s fate was sealed and its mission was destined to fail (or end). Even before 1776, the SPG had experienced peculiar difficulties—the unique American situation, the powerful interests of merchants, the indifference towards orthodox Christian teachings amongst many British colonists, the slave trade and slavery, the powerful influence of New England Puritans, competition from Roman Catholics amongst the Native Americans, etc.—which suggested that it would not likely achieve the same result of establishing the Anglican church in British North America by using the exact same model of the Church of England.

The sobering fact of the matter is that the Anglican Church represented the British monarchy and symbolized British imperialism in the minds of many American colonists. And aside from that, the American colonists seemingly were not equipped to upkeep the expense of establishing state-supported Anglican churches. The Anglican Church existed as the established church in places like North and South Carolina, Maryland, and Georgia, but in “name only”; while in colonial New England the Anglican Church was early and largely denied the privilege of existence outside of larger cities such as Boston. And by the time of the American Revolution during the 1770s, the SPG and the Anglican Church stood little chance of changing its unfortunate circumstances, because the Anglican Church and its clergy were considered to be Loyalists and agents of King George III.

Thomas Jefferson’s essay “A Summary View of the Rights of British America” and his new “Declaration of Independence” described the American mood and attitude. The Americans were vehemently searching for a newer kind of religion. A modern Christian religion that did not cramp and restrict the spirit of liberty. Indeed, in “A Summary View of the Rights of British America,” Jefferson

wrote to King George III about “those rights which God and the laws have given equally and independently to all.”<sup>151</sup> Jefferson explained that the misdemeanors and crimes of the British monarchy reached back to the House of Stuart. He describes the Stuart family as a “family of princes...on the British throne, whose treasonable crimes against their people on them afterwards the exertion of those sacred and sovereign rights of punishment reserved in the hands of the people for cases of extreme necessity...” The Stuart family created Maryland, Pennsylvania, and the Carolinas “by an assumed right of the crown alone” and “parted out and distributed among the favourites and followers of their fortunes.”<sup>152</sup> Jefferson wrote that:

The God who gave us life gave us liberty at the same time; the hand of force may destroy, but cannot disjoin them...”<sup>153</sup>

This, sire, is our last, our determined resolution; and that you will be pleased to interpose with that efficacy which your earnest endeavors may ensure to procure redress of these our great grievances, to quiet the minds of your subjects in British America, against any apprehension of future encroachment, to establish fraternal love and harmony through the whole empire, and that these may continue to the latest ages of time, is the fervent prayer of all British America!<sup>154</sup>

Open your breast, sire, to liberal and expanded thought. Let not the name of George the third be a blot in the page of history. You are surrounded by British counselors, but remember that they are parties. You have no ministers for American affairs, because you have none taken from among us, nor amenable to the laws on which they are to give you advice. It behooves you, therefore, to think and to act for yourself and your people. The great principles of right and wrong are legible to every reader; to pursue them requires not the aid of many counselors. The whole art of government consists in the art of being honest. Only aim to do your duty, and mankind will give you credit where you fail. No longer persevere in sacrificing the rights of one part of the empire to the inordinate desires of another; but deal out to

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<sup>151</sup> Thomas Jefferson, *Writings* (New York, N.Y.: The Library of America, 1984), p. 105.

<sup>152</sup> *Ibid.*, p. 107.

<sup>153</sup> *Ibid.*, pp. 120 – 121.

<sup>154</sup> *Ibid.*, p. 122.

all equal and impartial right. Let no act be passed by any one legislature which may infringe on the rights and liberties of another.<sup>155</sup>

Here Jefferson espouses the radical viewpoint that the king of England is thus “no more than the chief officer of the people, appointed by the laws, and circumscribed with definite powers, to assist in working the great machine of government, erected for their use, and consequently subject to their superintendence.”<sup>156</sup> As a chief magistrate, the king of England is bound by higher, unchangeable laws. These higher laws, Jefferson describes as “these our rights” given to English ancestors throughout the centuries, including all of the rights of Englishmen, to wit:

The English Common Law  
Magna Carta of 1215  
Petition of Right of 1628  
English Bill of Rights of 1689

Jefferson says that these rights, “which nature has given to all men,” followed their English ancestors to America.<sup>157</sup> He further explained that in America, “new societies”<sup>158</sup> were formed “as to them shall seem most likely to promote public happiness.”<sup>159</sup> Rights of migration from one country to another means “any claim of superiority or dependence asserted over” the migrants by the mother country of origin is a form of tyranny. The English colonists in British North America were originally established and settled at their own expense, as associations of private individuals, says Jefferson. He then pointed out that Great Britain did not take a meaningful interest in, or provide assistance to, these American colonies *until after* Great Britain became involved in a world-wide scramble for power in their commercial competition with the French.<sup>160</sup> North America as then simply a political pawn of the British, and used as strategic military outpost. Under these circumstances, Great Britain extended military aid to the American colonists, but in doing so, Great Britain began to assert more and more power and authority over the colonists—it usurped constitutional powers which the colonists did not originally intend to grant to them. “Had such terms been proposed,” Jefferson

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<sup>155</sup> Ibid., p. 121.

<sup>156</sup> Ibid.

<sup>157</sup> Ibid., pp. 105-106.

<sup>158</sup> Ibid.

<sup>159</sup> Ibid.

<sup>160</sup> Ibid. (NOTE: This was the fruit of the French and Indian War (i.e., the Seven Year’s War), “that [Great Britain] may amply be repaid by our giving to the inhabitants of Great Britain such exclusive privileges in trade as may be advantageous to them, and at the same time not too restrictive to ourselves.”)

explained, “they would have rejected them with disdain, and trusted for better to the moderation of their enemies, or to a vigorous exertion of their own force.”<sup>161</sup>

What was the primary grievance of the American colonists? It was the right to make money, to trade, to earn a descent living, without unnecessary regulation, taxation, and other impediments from the British crown—impediments which, in the estimation of Jefferson and others, were tantamount to slavery.<sup>162</sup> In his letter to King George III, Jefferson claimed that the American colonies’ “natural right” to “exercise a free trade with all parts of the world” had been “taken away or abridged” by the King’s “unjust encroachment.”<sup>163</sup> He observed that King Charles I had originally commenced this unlawful encroachment upon the colonists’ right of free trade.<sup>164</sup> During that period, as a consequence of Charles’ encroachments, the colony of Virginia entered into a treaty with England on 12 March 1651 guaranteeing “free trade as the people of England do enjoy to all places and with all nations, according to the laws of that commonwealth.” However, upon the restoration of Charles II, “their rights of free commerce fell once more a victim to arbitrary power; and by several acts of his reign, as well as of some of his successors, the trade of the colonies was laid under such restrictions, as shew what hopes they might form from the justice of a British parliament, were its uncontroled power admitted over these states.”<sup>165</sup>

And finally, Jefferson complained that the British Parliament had become complicit in the king’s unscrupulous attempt to enslave the Americans. Jefferson asked: Why should 160,000 electors in England be allowed to rule 4 million colonists in America, who have no representation in Parliament? Jefferson wrote: “[h]istory has informed us that bodies of men, as well as individuals, are susceptible of the spirit of tyranny.”<sup>166</sup> In this case, Jefferson gave the following examples of Parliament’s encroachments upon American rights, as follows:

“Single acts of tyranny,” he wrote “may be ascribed to the accidental opinion of a day; but a series of oppressions, begun at a distinguished

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<sup>161</sup> Ibid., p. 106.

<sup>162</sup> Ibid., p. 109 (NOTE: Parliament restricted the American colonists ability to engage in world trade and commerce with other nations. Jefferson wrote that “[Parliament] by a sacrifice of our rights and interests, certain privileges in their commerce with an allied state, who in confidence that their exclusive trade with America will be continued, while the principles and power of the British parliament be the same, have indulged themselves in every exorbitance which their avarice could dictate, or our necessities extort; have raised their commodities, called for in America, to the double and treble of what they sold for before such exclusive privileges were given them....”)

<sup>163</sup> Ibid., p. 108

<sup>164</sup> Ibid.

<sup>165</sup> Ibid.

<sup>166</sup> Ibid.

period, and pursued unalterably through every change of ministers, to plainly prove a delicate and systematical plan of reducing us to slavery.”<sup>167</sup> Jefferson thus described a “connected chain of parliamentary usurpation,”<sup>168</sup> as follows:

- “An act for the granting certain duties in the British colonies and plantations in America, &c.”
- “An act for granting and applying certain stamp duties and other duties in the British colonies and plantations in America, &c.”
- An act for the better securing the dependency of his majesty’s dominions in America upon the crown and parliament of Great Britian”
- An act for granting duties on paper, tea &c.”
- An act for suspending the legislature of New York.” (Jefferson says, “One free and independent legislature hereby takes upon itself to suspend the powers of another, free and independent as itself; thus exhibiting a phenomenon unknown in nature, the creator and creature of its own power. Not only the principles of common sense, but the common feelings of human nature, must be surrendered up before his majestiey’s subjects here can be persuaded to believe that they hold their political existence at the will of a British parliament. Shall these governments be dissolved, their property annihilated, and their people reduced to a state of nature, at the imperious breath of a body of men, whom they never saw, in whom they never confided, and over whom they have no powers of punishment or removal, let their crimes against the American public be ever so great?....”)<sup>169</sup>
- An act for the suppression of riots and tumults in the town of Boston, passed also in the last session of parliament, a murder committed there is, if the governor pleases, to be tried in the court of King’s Bench, in the island of Great Britain, by a jury of Middlesex. (Jefferson writes: “Those epidemical disorders, too, so terrible in a foreign climate, is the cure of them to be warded off by the almighty power of parliament? And the wretched criminal, if he happen to have offended on the American side, stripped of his privilege of trial by peers of his vicinage, removed from the place where alone full evidence could be obtained, without money, without counsel, without

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<sup>167</sup> Ibid.,

<sup>168</sup> Ibid., p. 111.

<sup>169</sup> Ibid., p. 111.

friends, without exculpatory proof, is tried before judges predetermined to condemn.”<sup>170</sup>

- An act for the better securing and preserving his majesty’s dockyards, magazines, ships, ammunition, and stores.”
- Acts prohibiting the importation of African slaves in colonial North America, thus prohibiting the American colonists from ending the institution of slavery on American soil.<sup>171</sup>

Under these conditions, the missionary work of the SPG could not succeed, so long as the Anglican Church retained within it liturgical utterances, oaths, and practices due allegiance to the sovereign king of England. The collapse of the SPG in colonial British America was thus due to forces far beyond the control of its superb missionaries.

The sad irony is that when the SPG’s mission failed in colonial British America, the cause of “catholic” Christianity also failed. Indeed, *what the British North American churches sacrificed most in the American Revolution of ’76 was the Christian heritage of the English common law and constitution. And what the American churches gave up, whether unwittingly or not, was having any sort of formal influence or control over American jurisprudence, legal profession, the practice of law, the court system, the investiture of judges, and giving definition and meaning to the nation’s fundamental law.* When the Founding Fathers finally separated the Church from the State in the federal constitution, it purposefully opened to door for every other influence, to carry almost an equal weight as the Christian faith upon, American law and jurisprudence. The only fiber of Christian influence remaining in American jurisprudence was “natural law,” and that concept, arguably, could be traced to the pagan philosophers of Egypt, Greece, and Rome.

In summary, this is what British North America lost, when the Church of England failed to firmly plant its roots there during the 18<sup>th</sup> century—it lost the powerful influence of “catholic” Christian philosophy and influence upon American jurisprudence. This lost “catholic” influence certainly opened to door for the most negative influences which American liberalism (i.e., the Whig

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<sup>170</sup> Ibid., p. 114.

<sup>171</sup> Ibid., pp. 115- 116 (SLAVERY: Jefferson wrote that, “[t]he abolition of domestic slavery is the great object of desire in those colonies, where it was unhappily introduced in their infant state. But previous to the enfranchisement of the slaves we have, it is necessary to exclude all further importations from Africa; yet our repeated attempts to effect this by prohibitions, and by imposing duties which might amount to a prohibition, have been hitherto defeated by his majesty’s negative: Thus preferring the immediate advantages of a few African corsairs to the lasting interests of the American states, and to the rights of human nature, deeply wounded by this infamous practice.”)

republicans, the Tory mercantilists, etc.) could produce—the chattel enslavement of human beings and the transatlantic slave trade—went unchecked. The founding of the colony of Georgia is an example. This colony was founded by up-standing churchmen who wanted to help English debtors and the poor. Its founders prohibited slavery, because slavery was, according to the Church of England, against the Gospel and the fundamental laws of England. But in colonial North America, without the Church of England as its spiritual guide, all of this changed, and the steady decline in public morals was evidence. And in 1751, the colony of Georgia rescinded its laws prohibiting slavery. This was, of course, due in large measure to the growing commercial spirit and desire to profit from slave labor.

The beginning of the decline of the Christian faith within American jurisprudence was implanted as a seed within the *American Declaration of Independence* itself, because that document opened the door for almost every other doctrine, including slavery, mercantilism, deism, atheism, etc., to have equal authority as the Sacred Scriptures. None of this could have been possible except for the fact that the Church of England was never firmly established in the British North American colonies. See, Tables 1 through 5, below.

As Table 1, “Christian Origin of Natural Law,” reveals, the natural law of the *Holy Bible* had become the foundation of Roman Catholic and Anglican law and jurisprudence. These concepts were borrowed and utilized by the American Founding Fathers during the 18<sup>th</sup> Century. However, the American Founding Fathers did not restrict the definition of “natural law” or the “laws of nature” to definitions that had previously been given by men such as St. Paul, St. Augustine, St. Thomas Aquinas, and others.

**Table 1. Christian Origin of Natural Law**

St. Paul of Tarsus (3 – 67)	The natural law has been revealed to all nations through general revelation. <sup>172</sup> Gentiles who by nature do the works contained in the	The God of Nature is the God of both Jew and Gentile <sup>174</sup>
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<sup>172</sup> Romans 1:16-32 ( see, e.g., Romans 1: 20 “For the invisible things of him from the creation of the world are clearly seen, being understood by the things that are made, even his eternal power and Godhead; so that they are without excuse.”)

	Law of Moses are justified. <sup>173</sup>	
St. Augustine (354 – 430) <sup>175</sup>	God is Nature	Nature is Law
St. Thomas Aquinas (1225 – 1274) <sup>176</sup>	God is Reason	Reason is Law
Sir. Edward Coke (1552 – 1664) <sup>177</sup>	Reason is Law	The Common Law is the Perfection of Reason
Thomas Jefferson (1743 – 1826)	The Common Law (i.e., the fundamental laws of England) preserves Liberty	Liberty is the Law of Reason; the Law of Reason is the Law Nature; and the Law of Nature comes from God

The “catholic” definition of natural law or the laws of nature had been incorporated into England’s secular and ecclesiastical jurisprudence over the course of many centuries. It was essentially the same legal philosophy of Thomas Aquinas. See, e.g., Table 2, “The Catholic Definition of Natural Law” and Table 3 “Thomas Woods, *Institutes of the Laws of England* (1720)”

<sup>174</sup> Romans 3: 29-31 (“Is he the God off the Jews only? Is he not also of the Gentiles? Yes, of the Gentiles also: seeing it is one God, which shall justify the circumcision by faith, and uncircumcision through faith. Do we then make void the law through faith? God forbid: yea, we establish the law.”)

<sup>173</sup> Romans 2: 14-16, 29 (“For when the Gentiles, which have not the law, do by nature the things contained in the law, these, having not the law, are a law unto themselves: which shew the work of the law written in their hearts, their conscience also bearing witness, and their thoughts the mean while accusing or else excusing one another;) In the day when God shall judge the secrets of men by Jesus Christ according to my gospel.... But he is a Jew, which is one inwardly; and circumcision is that of the heart, in the spirit, and not in the letter; whose praise is not o men, but of God.”)

<sup>175</sup> See, generally, “Resurrecting St. Augustine of Hippo,” *The Apostolate Papers* (Volume 1, Apostolate Paper # 1).

<sup>176</sup> See, generally, “Resurrecting St. Thomas Aquinas,” *The Apostolate Papers* (Volume 1, Apostolate Paper #2).

<sup>177</sup> See, generally, “A History of the Anglican Church: Part XXXIV (“Life and Times of Sir Edward Coke”), *The Apostolate Papers* (Volume 1, Apostolate Paper # 50).

**Table 2. The Catholic Definition of Natural Law**

<b>St. Thomas Aquinas (1225 – 1274) // Rev. Richard Hooker (1554 – 1600)// Sir. Edward Coke (1552 – 1664) //Sir William Blackstone (1723 - 1780)// Rev. John Wesley (1703 – 1791) (e.g., Roman Catholic, Anglican and British Methodist Theory of Law and Government)</b>
Eternal Law
Divine Law
Natural Law
Human Law

**Table 3. Thomas Woods, *Institutes of the Laws of England* (1720)**

“As Law in General is an Art directing to the Knowledge of Justice, and to the well ordering of civil Society, so the Law of England, in particular, is an Art to know what is Justice in England, and to preserve Order in that Kingdom: And this Law is raised upon fix principal Foundations.

1. Upon the *Law of Nature*, though we seldom make Use of the Terms, *The Law of Nature*. But we say, that such a **Thing is reasonable, or unreasonable, or against the....**

2. Upon the revealed Law of God, Hence it is that our Law punishes Blasphemies, Perjuries, & etc. and receives the Canons of the Church [of England] duly made, and supported a spiritual Jurisdiction and Authority in the Church [of England].

3. The third Ground are several general *Customs*, these Customs are properly called the *Common Law*. Wherefore when we say, it is so by Common Law, it is as much s to say, by common Right, or of common Justice.

Indeed it is many Times very difficult to know what Cases are grounded on the *Law of Reason*, and what upon the *Custom* of the Kingdom, yet we must endeavor to understand this, to know the perfect Reason of the Law.

*Rules concerning Law*

The *Common Law* is the absolute Perfection of *Reason*. For nothing that is contrary to Reason is consonant to Law

Common Law is common Right.

The Law is the Subject's best Birth-right.

The Law respects the Order of Nature....”

Source: Thomas Wood, LL.D., *An Institute of the laws of England: or, the Laws of England in their Natural Order* (London, England: Strahan and Woodall, 1720), pp. 4-5.

Here we find in Tables 2 and 3 that the Church of England and the English nation had based its constitutional jurisprudence and law upon the “catholic” foundation of the Sacred Scriptures. During the 18<sup>th</sup> Century, the colonial American systems had inherited this “catholic” foundation. And even though the Church of England was a “Protestant” church, it had never embraced a political or constitutional doctrine where the church would have not vested stake or role within the civil government. In fact, when Martin Luther set up his Lutheran churches, as did John Calvin in Switzerland, the great national Protestant Churches were constitutionally and legally “established” and they were designed to serve as the moral teacher and moral voice for the body politic. The 17<sup>th</sup>-century Puritan churches of colonial New England served the same role. In other words, none of the Protestant churches ever conceptualized anything other than the “Two-Tables” theory of government, whereby the Church and the State served the body politic separately but while playing complimentary roles. See, e.g., Table 4. The State would hold the levers of governmental power, but the Church reserved its moral authority to chastise, and even correct, the State.

**Table 4. “Protestant Reformation—The Two Tables Theory for Church and State”**

<p><b>New England Puritans (1620-1800); Rev. Roger Williams (1603 – 1683)<sup>178</sup>// Rev. Richard Baxter (1615 – 1691)// Rev. John Wesley (1703 – 1791) // Rev. George Whitefield (1714 – 1770) //Rev. Martin Luther King, Jr. (1929 – 1968)(e.g., Protestant Reformation Theory of Law and Government-- e.g., Lutheranism, Calvinism, Baptist theology, American Methodism, and New England Puritanism).</b></p>	
<b>CHURCH-- FIRST TABLE</b>	<b>STATE-- SECOND TABLE</b>
Eternal Law	Natural Law
Divine Law	Human Law
<b>Ten Commandments (I – IV):</b>	<b>Ten Commandments (V- X):</b>
<p>I am the Lord thy God, which have brought thee out of the land of Egypt, out of the house of bondage. Thou shalt have no other gods before me! Ex. 20:2-3.</p> <p>Thou shalt not make unto thee any graven image, or any likeness of any thing that is in heaven above, or that is in the water under the earth. Thou shalt not bow down thyself to them, nor serve them: for I the LORD thy God am a jealous God, visiting the iniquity of the fathers upon the children unto the third and fourth generation of them that hate me; and shewing mercy unto thousands of them that love me, and keep my commandments. Ex. 20:4-6</p> <p>Thou shalt not take the name of the LORD thy God in vain; for the LORD will not hold him guiltless that taketh his name in vain. Ex. 20: 7</p> <p>Remember the Sabbath day, to keep it holy. Six days shalt thou labour, and do all thy work: but the seventh day is the Sabbath day of the</p>	<p>Honor thy father and thy mother: that thy days may be long upon the land which the LORD thy God giveth thee. Ex. 20:12</p> <p>Thou shalt not kill! Ex. 20:13</p> <p>Thou shalt not commit adultery! Ex. 20: 14</p> <p>Thou shalt not steal! Ex. 20: 15</p> <p>Thou shalt not bear false witness against thy neighbor! Ex. 20:16</p> <p>Thou shalt not covet thy neighbor’s house, thou shalt not covet thy neighbor’s wife, nor his manservant, nor his maidservant, nor his ox, nor his ass, nor any thing that is thy neighbor’s. Ex. 20: 17</p>

<sup>178</sup> See, generally, “A History of the Anglican Church: Part XXXIV (“Baptist Polity and Theology During the Life and Times of Rev. Roger Williams”), *The Apostolate Papers* (Volume 1, Apostolate Paper # 54).

LORD thy God: in it thou shalt not do any work, thou , nor thy son, nor thy daughter, thy manservant, nor thy maidservant, nor thy cattle, nor thy stranger that is within thy gates: for in six days the LORD made heaven and earth, the sea, and all that in them is, and rested the seventh day: wherefore the LORD blessed the Sabbath day, and hallowed it. Ex. 20:8-11.

And still today, there is no legal or constitutional reason for why the First Amendment, U.S. Constitution should prohibit the churches in the United States from fulfilling the same role. However, during the late 17<sup>th</sup> and early 18<sup>th</sup> centuries, the liberal political philosophy slowly began to rebel even against this “Two-Tables” theory of Church and State. The appeal was to “natural law,” “human reason,” “experience,” and “science”—a process that reached its culmination during the early 20<sup>th</sup> century. But as early as the 18<sup>th</sup> century, Church of England clergymen, such as the Rev. John Wesley and others, responded to these secular appeals to “human reason” with the theological argument that “reason” and “experience” do not contradict “faith” and “scripture.” See, e.g., Table 5, “The Wesleyan or Methodist Quadrilateral.” This theological argument, which was advanced not only by Rev. Wesley but also by many other churchmen, supported the orthodox “catholic” position that the God of the Sacred Scriptures was also the God of Reason and the God of Nature.

**Table 5.** The Wesleyan or Methodist Quadrilateral

<b>Rev. John Wesley (1703 – 1791) – The Wesleyan or Methodist Quadrilateral</b>	
<b>Orthodox Theology</b>	<b>Practical Theology</b>
<b>Sacred Scripture-</b> Eternal & Divine Law	<b>Reason-</b> the law of nature
<b>Sacred Tradition-</b> Canon Law; Ecclesiastical Doctrine and Rules; the English common law	<b>Experience-</b> the law of nature; the law of reason; the sciences

But without the established Church of England in colonial British North America, American lawyers and judges were officially freed from their Christian legal heritage. For example, they were free to interpret the words within the *Declaration of Independence*, the new *United States Constitution*, and any other constitutional document, by giving definition and meaning to words without placing those words into historical context—and certainly not to be placed within the tradition of the English common law. This was particularly true of the federal constitution—*but not the state constitutions*. When we review the writings of Founding Fathers such as Benjamin Franklin, James Madison, Alexander Hamilton, Thomas Paine, and Thomas Jefferson, the complete cessation of American constitutional law from the official governance of an establish church was clearly their objective—at least at the federal level of the American government. This is what the American Revolution of '76 achieved! It removed the Church of England and Anglican clergy from the national government. And in 1868, the 14<sup>th</sup> Amendment, U.S. Constitution, removed all religion or churches from the state governments as well. The older views of the Protestant Reformers, such as Luther and Calvin, regarding the separation of Church and State, were obliterated by the American Founding Fathers. Indeed, the federal Constitution of the United States establishes the State, but it does not establish, or even acknowledge, the institution of Church. Nor does that federal Constitution ever contemplate that *religious education*, instruction, or spiritual advice from clergymen would even be necessary or essential in order for the State to thrive. The English House of Lords had retained its “Lords Spiritual,” but there was to be no counterpart in the United States Senate. Whereas in England there remained an elaborate system of chancery and ecclesiastical courts that were traditionally presided over by senior bishops within the Anglican Church, in the United States the jurisdiction of those courts were transferred over to the regular state courts that were presided over by lay, non-sectarian judges.

But what the Americans did retain within their constitutional jurisprudence was a conception of natural law that had both religious and Christian overtones. See, e.g., Table 6, “Natural Law Foundations of American Constitutional Law.” At the foundation of the United States Constitution is a “God of nature” who is a “Creator” and gives “life, liberty, and the pursuit of happiness,” which no human being or human government can diminish or take away without due process of law. Without question, Thomas Jefferson likely believed that the ideals which he expressed in the *Declaration of Independence* constituted the “true religion.”

**Table 6. Natural Law Foundations of American Constitutional Law**

<b>Thomas Jefferson (1743 – 1826)<sup>179</sup>/ Thomas Paine (1737 – 1809)</b> <b>(e.g., The Enlightenment (Age of Reason)(The American <i>Declaration of Independence</i>)</b>
Natural Law-- the law of reason; law of nature; God as the creator of both nature and reason
Human Law – customary law; common law; constitutional and statutory law

I am convinced that Jefferson’s *Declaration of Independence* represented both the “Age of Reason” and the “true religion” as he conceptualized it, having thus written:

The rights of conscience we never submitted, we could not submit. We are answerable for them to our God. The legitimate powers of government extend to such acts only as are injurious to others But it does me no injury for my neighbor to say there are twenty gods, or no god. It neither picks my pocket nor breaks my leg. If it be said, his testimony in a court of justice cannot be relied on, reject it then.... Reason and free enquiry are the only effectual agents against error. Give a loose to them, they will support the *true religion*, by bringing every false one to their tribunal, to the test of their investigation.<sup>180</sup>

Founding Father Thomas Paine, who was a self-avowed agnostic, said something similar, to wit:

It is only by the exercise of reason, that man can discover God. Take away that reason, and he would be incapable of understanding any thing; and, in this case, it would be just as consistent to read even the book of the Bible, to a horse as to a man. How then is it that those people [i.e., so-called Christian churchmen] pretend to reject reason?<sup>181</sup>

<sup>179</sup> See, generally, “A History of the Anglican Church: Part XXXIV (“Baptist Polity and Theology During the Life and Times of Rev. Roger Williams”), *The Apostolate Papers* (Volume 1, Apostolate Paper # 54).

<sup>180</sup> Thomas Jefferson, *Writings* (New York, N.Y.: The Library of America, 1984), p. 285.

<sup>181</sup> Thomas Paine, *Collected Writings* (New York, N.Y.: The Library of America, 1995), p. 688.

And so it must not pass without stressing the important theological fact that St. Thomas Aquinas, founder of “catholic” jurisprudence, had also essentially defined God as the Lord of *reason*<sup>182</sup>; as did the Anglican divine Richard Hooker. In law, Chief Justice Edward Coke had held that the common law is the perfection of reason.<sup>183</sup> And so the foundations of American constitutional law (i.e., “the law of nature” or the “law of reason”) had certainly been nourished within the mother Church of England. For even in America, at least as Thomas Jefferson and most of the Founding Fathers had conceptualized it, the “God of Reason” remained supreme above human law and government.

Where did that leave the “institutional” church under the new American constitutional scheme? I would argue that the “institutional” church, pursuant to the First Amendment, U.S. Constitution, kept its superior position, but only for so long as it was wedded to “Truth.” Here, I mean “Truth” as defined by St. Augustine in Book X of *Confessions*, where he says, while praying to God, “[y]our law is the truth an you are truth...Everywhere and at once, truth, you guide all who consult you, and simultaneously answer all men though they consult you on quite different things. You answer clearly, though all do not hear in clarity. All take counsel of you on whatever point they wish, though they do not always hear what they wish. He is your best servant who does not look to hear from you what he himself wills, but who wills rather to will what he hears from you.”<sup>184</sup> Hence, under classical orthodox Christian political theory, when the church embraces “Truth,” and nothing but the “Truth,” it is then fit to chastise and to influence the secular government (i.e. “State.”) As Rev. Crapsey teaches us, “[w]hen the church is true to itself and true to its God it becomes the conscience of the state.”<sup>185</sup>

Jefferson and the Founding Fathers must have recognized the harsh fact that the “institutional” church could become corrupt, and fall away from “Truth,” and thus lead men and women into superstition and falsehood. The case may be said

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<sup>182</sup> Jesus of Nazareth, as the Son of God, was believed to be the essence of “Reason” or “the Word,” which is the divine “Logos.” See, e.g., John 1:1-3. See, also, “Aquinas on Law,”

<https://people.wku.edu/jan.garrett/302/aquinlaw.htm>

(where Saint Thomas Aquinas describes law as “a certain rule and measure of acts whereby man is induced to act or is restrained from acting.” (q90, a1) Because the rule and measure of human actions is reason, law has an essential relation to reason; in the first place to divine reason; in the second place to human reason, when it acts correctly, i.e., in accordance with the purpose or final cause implanted in it by God.”) See, also, Sir Edward Coke (1552-1634), former Chief Justice of England and Wales, who says that “[r]eason is the life of the law; nay, the common law itself is nothing else but reason... The law, which is perfection of reason.”

<sup>183</sup> Ibid.

<sup>184</sup> St. Augustine, *Confessions* (New York, N.Y.: Barnes & Nobles Classics, 2007), pp. 48, 167.

<sup>185</sup> Algernon Sidney Crapsey, *Religion and Politics* (New York, N.Y.: Thomas Whittaker Pub. 1905), p. 249.

that when the Christian Church, proper, compromised with “Truth” and invested in profits from the transatlantic slave trade, it lost, rejected, and even excommunicated all of men of “reason and truth.” As Rev. Crapsey teaches us:

With the close of the Mexican War the struggle of the slave power for supremacy reached its acute stage.... When Thomas Morris, the leader of abolitionism in Ohio, made his famous speech against Clay in the United States Senate, ending with the words: ‘The negro shall yet be free,’ he was read out of the Democratic party, and became a political outcast, and when he died he was denied burial by the Methodist church. The failure of the church to grasp the moral significance of the slavery agitation lowered its prestige, and gave its power into the hands of men of the people. The highest type of man in that age was everywhere alienated from the churches. Whittier, the saintly poet; Emerson, the seer; Garrison and Phillips, the prophets; Brown, the martyr; Sumner, the tribune, and Lincoln, the far-seeing moral statesman, were all of them outside and some of them under the ban of the Orthodox churches.<sup>186</sup>

The Church of England, as a constitutional institution which preserved the Christian heritage of Anglo-American constitutional law, symbolized the British monarchy in the minds of many American colonists.<sup>187</sup> The American colonists, however, did not realize, or recognize, that by tearing down the established Anglican Church on American soil, that they were essentially destroying the Christian foundations of Anglo-American constitutional jurisprudence. This was the true and tragic meaning of the ultimate failure of the noble work of the Society for the Propagation of the Gospel in Foreign Parts. Colonial America lost its “catholic” Christian jurisprudence during this whole process. This “catholic” Christian jurisprudence would be replaced with other competing interests—particularly commercial interests. This really and truly meant that the American Revolution—at least at the federal level—disgorged the new United States of America of its “catholic” Christian juridical and constitutional foundations. It pried open the door to absolute freedom of thought, disciplined and tempered by the English common law, but now dominated by powerful commercial interests. Prime Ministers and Presidents would replace Archbishops and Lord Chancellors as chief

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<sup>186</sup> Ibid., pp. 264-265.

<sup>187</sup> In fact, the abuses of the British monarchy under the House of Stuart, from 1603 to 1714, and now under the House of Hanover, from 1714 to the reign of King George III, had been aided and abetted by senior members of the Anglican clergy. The same forms of clerical abuses within the Roman Catholic Church had been acknowledged among the Anglican clergymen as well. The Church of England and its senior bishops, in sum, were associated with the British monarchy.

ministers within the body politic. American bishops would not sit in the American Senate as of right, in the same manner that Anglican bishops sit in the House of Lords as of right. Americans also did not transfer the English ecclesiastical courts to either colonial America or the new United States. And during the late 18<sup>th</sup> and early 19<sup>th</sup> centuries, Christian jurisprudence in the new United States would be swallowed whole by the secular jurisprudence of mercantilists, capitalists, and the Social Darwinists, which largely constituted the American slave power.

There were two broad views on “Church and State” that were predominant in America. The dominant view that ultimately prevailed during the American Revolution was expressed by Founding Father Thomas Paine, who once said:

All religions are in their nature mild and benign, and united with principles of morality. They could not have made proselites at first, by professing any thing that was vicious, cruel, persecuting, or immoral. Like everything else, they had their beginning; and they proceeded by persuasion, exhortation, and example. How then is it that they lose their native mildness, and become morose and intolerant? ...By engendering the church with the state, a sort of mule animal, capable of destroying, and not of breeding up, is produced, called *The Church established by Law*. It is a stranger, even from its birth, to any parent mother on which it is begotten, and whom in time it kicks out and destroys.... Persecution is not an original feature in any religion; but it is always the strongly-marked feature of all law-religions, or religions established by law. **Take away the law-establishment, and every religion reassumes its original benignity.** In America, a Catholic Priest is a good citizen, a good character, a good neighbor; and Episcopalian Minister is of the same description: and this proceeds, independent of the men, from there being no law establishment in America.<sup>188</sup>

The other view, the minority-view typified by the “two-tables” theory of government, and which was shared by Anglicans, New England Puritans, and Presbyterians alike, was expressed by Anglican priest Rev. Sidney Algernon Crapsey, who wrote in 1905:

To speak of the separation of church and state is to speak of the separation of soul and body. If the state is without a church it is

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<sup>188</sup> Thomas Paine, *Collected Writings*, pp. 483 – 484.

without warrant in the conscience of man; if the church is without a state it is without power in the life of the world. The church without the state is a disembodied spirit; the state without the church is a putrefying corpse. When the church is true to itself and true to its God it becomes the conscience of the state.<sup>189</sup>

These two competing views, however, did not stop in 1787, but they seriously contended with each other easily up through the end of the U.S. Civil War.

The one remaining, powerful force in America's spiritual life had been New England Puritanism and the "Calvinistic interpretation of Holy Scripture."<sup>190</sup> This Puritan influence "dominated all other influences in American life from the landing of the Pilgrims down to the close of the Civil War... It was the belief of the Puritan that the motive power of the American Revolution. It was the stern conviction of the Puritan that not King George, but God, was the rightful sovereign in America, not the Parliament of England, but the people of the united Colonies, were the sole keepers of the purse and the only source of political power; and it was this conviction of the Puritan that sustained the people of the country through the long years of the Revolutionary War."<sup>191</sup> But the New England Puritan spirit lost out to Gilded-Age capitalism following the American Civil War (1861-1865), and that is also when the Puritan influence upon national political life ended.<sup>192</sup> Hence, the Puritan "Two-Tables" theology of government and its influence upon American constitutional law also ended.<sup>193</sup> American commercialism during the Gilded Age had effectively decimated it.<sup>194</sup> "The warfare that is waging to-day," Rev. Crapsey explains, "is the warfare between the merchant and the minister; the minister, who believes in God, the merchant, who believes in gain; the minister, who believes that man is a person, the merchant who believes that man is a thing."<sup>195</sup> This powerful merchant class, which during the 17<sup>th</sup>, 18<sup>th</sup> and 19<sup>th</sup> centuries had been a constituent component of the American slave power, has

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<sup>189</sup> Algernon Sidney Crapsey, *Religion and Politics*, p. 248-249.

<sup>190</sup> Crapsey, p. 244.

<sup>191</sup> *Ibid.*

<sup>192</sup> *Ibid.*

<sup>193</sup> *Ibid.*, p. 265 ("The fall of Puritanism as a theological system controlling American thought, which was the consequence of this failure of the ministry as a class to see the moral question involved in the slavery agitation... left the American people without any formal theological system in which to center their thought and life, and the result is the theological chaos and the religious paralysis in the midst of which we are now living...")

<sup>194</sup> *Ibid.*, pp. 265-266 ("The close of the Civil War was followed by moral exhaustion... Lincoln was dead, Sumner was dead, Whittier was dead, Phillips was dead, Emerson was dead, Beecher was decadent, and over the dead and dying bodies of these heroes a new power arose to claim supremacy in the land, and this was the power of the merchant. The man of the purse assumed the leadership... Before the people were aware, within ten years of the war, American life was commercialized, and both church and state were in the power of the mercantile class.")

<sup>195</sup> *Ibid.*, p. 248.

largely surpassed the American church with respect to influence over the American culture, government, economics, politics, the legal profession (i.e., the bar and bench), and American constitutional jurisprudence. Nevertheless, the “American church” proper still has the superior and moral high-ground with the *Holy Bible* as its supreme canon, together with its ancient creeds, traditions, and distinguished legal and ecclesiastical history in the West.

**The End**

## APPENDIX D

### **Two Tables Theory of Civil Government In Colonial America**

By

Roderick O. Ford, Litt.D.

The Christian character of American constitutional law was deeply-rooted in the colonial laws and charters of the several colonies. The Protestant conception of “church and state,” owing in large measure to the history of religious persecution in England and Europe, thoroughly shaped the American mindset in favor of state-supported Protestant churches but with liberty of conscience to worship several versions of the Protestant faith. The Roman Catholic Church and other sects (e.g., Judaism, Islam, atheism, etc.) were generally disfavored if not altogether outlawed in colonial America. The colonial charters or constitutions then retained two broad characteristics: (a) first, they were “republican” in character, meaning that the colonies were ruled by elected official and legislative assemblies; and (b) second, they explicitly acknowledged within their governing charters or constitutions the truth of the Protestant Christian faith.

Hence, from the early 1600 through the early 1800s—notwithstanding the “Spirit of 1776” and the American Revolutionary War—the “Two Tables” theory of civil government remained predominant at least in the states that had originally comprised the thirteen original colonies. Deeply ingrained within the Protestant spirit was the belief that God was the supreme governor of the universe and that all persons should be free to worship Him as his or her conscience deemed necessary. This obligation or civil right was derived from the First Table of the Mosaic Ten Commandments. Secondly, the civil government, as God’s vice-regency, served to keep civil peace and order, and even to protect the true Christian faith. Hence, the separation of Church and State, at least from the Protestant perspective, meant nothing more than simply dividing up shared governance responsibilities between the Church and the State. These two institutions were like two sides of the same coin—the Christian religion remained the backbone of secular jurisprudence and constitutional law. See, below, Table 1. “Protestant Reformation—the Two Tables Theory for Church and State.”

Table 1. “Protestant Reformation—The Two Tables Theory for Church and State”

<p><b>New England Puritans (1620-1800); Rev. Roger Williams (1603 – 1683)<sup>196</sup>// Rev. Richard Baxter (1615 – 1691)// Rev. John Wesley (1703 – 1791) // Rev. George Whitefield (1714 – 1770) //Rev. Martin Luther King, Jr. (1929 – 1968)(e.g., Protestant Reformation Theory of Law and Government-- e.g., Lutheranism, Calvinism, Baptist theology, American Methodism, and New England Puritanism)</b></p>	
<b>CHURCH-- FIRST TABLE</b>	<b>STATE-- SECOND TABLE</b>
Eternal Law	Natural Law
Divine Law	Human Law
<b>Ten Commandments (I – IV):</b>	<b>Ten Commandments (V- X):</b>
<p>I am the Lord thy God, which have brought thee out of the land of Egypt, out of the house of bondage. Thou shalt have no other gods before me! Ex. 20:2-3.</p> <p>Thou shalt not make unto thee any graven image, or any likeness of any thing that is in heaven above, or that is in the water under the earth. Thou shalt not bow down thyself to them, nor serve them: for I the LORD thy God am a jealous God, visiting the iniquity of the fathers upon the children unto the third and fourth generation of them that hate me; and shewing mercy unto thousands of them that love me, and keep my commandments. Ex. 20:4-6</p> <p>Thou shalt not take the name of the LORD thy God in vain; for the LORD will not hold him guiltless that taketh his name in vain. Ex. 20: 7</p> <p>Remember the Sabbath day, to keep it holy. Six days shalt thou labour, and do all thy work:</p>	<p>Honor thy father and thy mother: that thy days may be long upon the land which the LORD thy God giveth thee. Ex. 20:12</p> <p>Thou shalt not kill! Ex. 20:13</p> <p>Thou shalt not commit adultery! Ex. 20: 14</p> <p>Thou shalt not steal! Ex. 20: 15</p> <p>Thou shalt not bear false witness against thy neighbor! Ex. 20:16</p> <p>Thou shalt not covet thy neighbor’s house, thou shalt not covet thy neighbor’s wife, nor his manservant, nor his maidservant, nor his ox, nor his ass, nor any thing that is thy neighbor’s. Ex. 20: 17</p>

<sup>196</sup> See, generally, “A History of the Anglican Church: Part XXXIV (“Baptist Polity and Theology During the Life and Times of Rev. Roger Williams”), *The Apostolate Papers* (Volume 1, Apostolate Paper # 54).

but the seventh day is the Sabbath day of the LORD thy God: in it thou shalt not do any work, thou , nor thy son, nor thy daughter, thy manservant, nor thy maidservant, nor thy cattle, nor thy stranger that is within thy gates: for in six days the LORD made heaven and earth, the sea, and all that in them is, and rested the seventh day: wherefore the LORD blessed the Sabbath day, and hallowed it. Ex. 20:8-11.

That the U.S. Constitution (ratified in 1787) or the American Bill of Rights (ratified in 1789) did not prohibit the establishment of state-supported churches within the several states is evidenced by that all of thirteen original colonies had established churches prior to the American Revolution (1775- 1789) and they continued to operate state-supported churches for several decades after the American Revolution. See Table 2, “Established Churches in the 13 Original American Colonies.”

**Table 2. “Established Churches in 13 Original American Colonies”**

<b>Colony</b>	<b>Protestant Denomination</b>	<b>Established Church-Years of Operation</b>	<b>Duration of Support for Established Church</b>
Virginia	Anglican/ Church of England	1606 - 1830	244 years
Massachusetts	Puritan/ Congregational Church	1629 - 1833	204 years
New Hampshire	Puritan/ Congregational Church	1639 - 1877	238 years
Rhode Island	Puritan/ Congregational Church/Baptist Church/Non-Denominational/ Protestant Christian Faith	1643 - 1842	199 years
Connecticut	Puritan/ Congregational Church	1639 - 1818	179 years

Delaware	Non-Denominational/ Protestant Christian Faith	1637 - 1792	155 years
Maryland	Anglican/ Church of England	1632 - 1833	204 years
New York	Anglican/ Church of England	1614 - 1846	225 years
Georgia	Anglican/ Church of England	1663 - 1798	135 years
North Carolina	Anglican/ Church of England	1663 - 1875	212 years
South Carolina	Anglican/ Church of England	1663 - 1868	205 years
Pennsylvania	Non-Denominational/ Protestant Christian Faith	1681 - 1790	109 years
New Jersey	Non-Denominational/ Protestant Christian Faith	1702 - 1844	142 years

This constitutional scheme meant that the Christian character of American jurisprudence and constitutional law, under the Protestant “two-tables” conception of civil government, continued unimpeded following the American Revolutionary War. As Table 3, below, reveals, the Christian Faith was explicitly incorporated into American law and jurisprudence at the state level.

Table 3. “Christian Character of Colonial Charters and State Laws”

<b>Colony</b>	<b>Protestant Denomination</b>	<b>Key Provision within Constitutional Charter</b>
<b>Virginia</b>	Anglican/ Church of England	<p>“Every Person should go to church, Sundays and Holidays, or lye Neck and Heels that Night, and be a Slave to the Colony the following Week; for the second Offence, he should be a Slave for a Month; and for the third, a Year and a Day.”</p> <p>Governor Argall’s Decree 1617</p> <p>“That religion, or the duty which we owe to our Creator and the manner of discharging it, can be directed by</p>

		<p>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.”</p> <p>Virginia Declaration of Rights 1776</p>
<p><b>Massachusetts</b></p>	<p>Puritan/ Congregational Church</p>	<p>“Like many who arrived on these shores in the 17th century, the Puritans of Massachusetts Bay came to America seeking religious freedom... The freedom they sought, however, was for themselves and not for others. The Puritans felt called by God to establish ‘new Israel,’ a holy commonwealth based on a covenant between God and themselves as the people of God. Though there were separate areas of authority for church and state in Puritan Massachusetts, all laws of the community were to be grounded in God’s law and all citizens were expected to uphold the divine covenant...</p> <p>Very early in the Massachusetts experiment, dissenters arose to challenge the Puritan vision of a holy society. The first dissenter, Roger Williams (c.1603-1683), was himself a Puritan minister but with a very different vision of God’s plan for human society. Williams argued that God had not given divine sanction to the Puritan colony. In his view, the civil authorities of Massachusetts had no authority to involve themselves in matters of faith. The true church, according to Williams, was a voluntary association of God’s elect. Any state involvement in the worship of God, therefore, was contrary to the divine will and inevitably led to the defilement of the church...</p> <p>Banished from Massachusetts in 1635, Roger Williams founded Rhode Island, the first colony with no established church and the first society in America to grant liberty of conscience to everyone.” -- First Amendment Center</p> <p>“Article II. It is the right as well as the duty of all men in society, publicly and at stated seasons, to worship the Supreme Being, the great Creator and Preserver of the</p>

		<p>universe. And no subject shall be hurt, molested, or restrained, in his person, liberty, or estate, for worshipping God in the manner and season most agreeable to the dictates of his own conscience, or for his religious profession or sentiments. provided he doth not disturb the public peace or obstruct others in their religious worship.</p> <p>Article III. And every denomination of Christians, demeaning themselves peaceably and as good subjects of the commonwealth, shall be equally under the protection of the law; and no subordination of any one sect or denomination to another shall ever be established by law.</p> <p>Chapter VI. Article I. Any person chosen governor, lieutenant-governor, councillor, senator, or representative, and accepting the trust, shall, before he proceed to execute the duties of his place or office, make and subscribe the following declaration, viz:</p> <p>‘I _____, do declare that I believe the Christian religion...’”</p> <p>Massachusetts Constitution 1780</p>
<b>New Hampshire</b>	Puritan/ Congregational Church	<p>“Article III. When men enter into a State of society they surrender up some of their natural rights to that society, in order to ensure the protection of others...</p> <p>Article IV. Among the natural rights, some are in their very nature unalienable, because no equivalent can be given or received for them. Of this kind are the RIGHTS OF CONSCIENCE...</p> <p>Article V. Every individual has a natural and unalienable right to worship GOD according to the dictates of his own conscience and reason; and no person shall be hurt, molested, or restrained in his person, liberty, or estate for worshipping God in the manner most agreeable to the dictates of his own conscience, or for his religious profession, sentiments, or persuasion; provided he doth not disturb the public peace or disturb others in their religious worship.</p>

		<p>Senate. Provided, nevertheless, That no person shall be capable of being elected a senator who is not of the Protestant religion...</p> <p>House of Representatives. Every member of the house of representatives... shall be of the Protestant religion...</p> <p>President. [H]e shall be of the Protestant religion.”</p> <p>New Hampshire Constitution 1784</p>
<p><b>Rhode Island</b></p>	<p>Puritan/ Congregational Church/Baptist Church/Non- Denominational/ Protestant Christian Faith</p>	<p>“That [the inhabitants], pursueing, with peaceable and loyall minces, their sober, serious and religious intentions, of goalie edifieing themselves, and one another, in the holy Christian faith and worship, as they werepersuaded; together with the gaining over and conversion of the poor ignorant Indian natives, in thoseparts of America, to the sincere profession and obedience of the same faith and worship...</p> <p>[T]rue pietye rightly grounded upon gossell principles, will give the best and greatest security to sovereignty, and will lay in the hearts of men the strongest obligations to true loyalty: Now know bee, that wee beinge willinge to encourage the hopefull undertakeinge of oure sayd lovall and loveinge subjects, and to secure them in the free exercise and enjoyment of all their civill and religious rights, appertaining to them, as our loveing subjects; and to preserve unto them that libertye, in the true Christian ffaith and worshipp of God...</p> <p>That our royall will and pleasure is, that noe person within the sayd colonye, at any tyme hereafter, shall bee any wise molested, punished, disquieted, or called in question, for any differences in opinione in matters of religion, and doe not actually disturb the civill peace of our sayd colony; but that all and everye person and persons may, from tyme to tyme, and at all tymes hereafter, freelye and fullye have and enjoye his and their owne judgments and consciences, in matters of religious concernments...</p> <p>[A]nd to direct, rule, order and dispose of, all other</p>

		<p>matters and things, and particularly that which relates to the makinge of purchases of the native Indians, as to them shall seeme meete; wherebv oure sayd people and inhabitants, in the sayd Plantationes, may be soe religiously, peaceably and civilly governed, as that, by their good life and orderlie conversations, they may win and invite the native Indians of the countrie to the knowledge and obedience of the onlie true God, and Saviour of mankinde.”</p> <p>Charter of Rhode Island and Providence Plantations July 15, 1663</p>
<b>Connecticut</b>	Puritan/ Congregational Church	<p>“[O]ur said people, Inhabitants there, may bee soe religiously, peaceably and civilly Governed as their good life and orderly Conversacon may wynn and invite the Natives of the Country to the knowledge and obedience of the onely true God and Saviour of mankind, and the Christian faith, which in our Royall intencons and the Adventurers free profession is the onely and principall end of this Plantacon.”</p> <p>Connecticut Colony Charter 1662</p>
<b>Delaware</b>	Non- Denominational/ Protestant Christian Faith	<p>“BECAUSE no People can be truly happy, though under the greatest Enjoyment of Civil Liberties, if abridged of the Freedom of their Consciences, as to their Religious Profession and Worship: And Almighty God being the only Lord of Conscience, Father of Lights and Spirits; and the Author as well as Object of all divine Knowledge, Faith and Worship, who only doth enlighten the Minds, and persuade and convince the Understandings of People, I do hereby grant and declare, That no Person or Persons, inhabiting in this Province or Territories, who shall confess and acknowledge Our almighty God, the Creator, Upholder and Ruler of the world; and professes him or themselves obliged to live quietly under the Civil Government, shall be in any Case molested or prejudiced, in his or their Person or Estate, because of his or their consciencious Persuasion or Practice, nor be compelled to frequent or maintain any religious Worship, Place or Ministry, contrary to his or their</p>

		<p>Mind, or to do or suffer any other Act or Thing, contrary to their religious Persuasion.</p> <p>AND that all Persons who also profess to believe in Jesus Christ, the Saviour of the World, shall be capable (notwithstanding their other Persuasions and Practices in Point of Conscience and Religion) to serve this Government in any Capacity, both legislatively and executively.”</p> <p>Charter of Delaware 1701</p>
<p><b>Maryland</b></p>	<p>Anglican/ Church of England</p>	<p>“Article XXXIII. That, as it is the duty of every man to worship God in such manner as he thinks most acceptable to him; all persons, professing the Christian religion, are equally entitled to protection in their religious liberty; wherefore no person ought by any law to be molested in his person or estate on account of his religious persuasion or profession, or for his religious practice; unless, under colour of religion, any man shall disturb the good order, peace or safety of the State, or shall infringe the laws of morality, or injure others, in their natural, civil, or religious rights; nor ought any person to be compelled to frequent or maintain, or contribute, unless on contract, to maintain any particular place of worship, or any particular ministry; yet the Legislature may, in their discretion, lay a general and equal tax for the support of the Christian religion; leaving to each individual the power of appointing the payment over of the money, collected from him, to the support of any particular place of worship or minister, or for the benefit of the poor of his own denomination, or the poor in general of any particular county: but the churches, chapels, globes, and all other property now belonging to the church of England, ought to remain to the church of England forever...</p> <p>Article XXXV. That no other test or qualification ought to be required, on admission to any office of trust or profit, than such oath of support and fidelity to this State, and such oath of office, as shall be directed by this Convention or the Legislature of this State, and a declaration of a belief in the Christian religion.”</p>

		Maryland State Constitution 1776
<b>New York</b>	Anglican/ Church of England	<p>“The Dutch Colony of the seventeenth century was officially intolerantly Protestant but was, as has been noted, in practice tolerant and fair to people of other faiths who dwelt within New Netherland.</p> <p>When the English took the province from the Dutch in 1664, they granted full religious toleration to the other forms of Protestantism, and preserved the property rights of the Dutch Reformed Church, while recognizing its discipline.</p> <p>In 1697, although the Anglican Church was never formally established in the Province of New York, Trinity Church was founded in the City of New York by royal charter, and received many civil privileges and the munificent grants of land which are the source of its present great wealth.” -- <i>New Advent Catholic Encyclopedia</i></p> <p>“THAT Noe person or persons which professe ffaith in God by Jesus Christ Shall at any time be any wayes molested punished disquieted or called in Question for any Difference in opinion or Matter of Religious Concernment”</p> <p>New York Charter of Liberties and Privileges 1683</p>
<b>Georgia</b>	Anglican/ Church of England	<p>“Article VI. [R]epresentatives... shall be of the Protestant religion...</p> <p>Article LVI. All persons whatever shall have the free exercise of their religion; provided it be not repugnant to the peace and safety of the State; and shall not, unless by consent, support any teacher or teachers except those of their own profession.”</p> <p>Georgia Constitution 1777</p>
<b>North Carolina</b>	Anglican/ Church of England	<p>“Article XIX. That all men have a natural and unalienable right to worship Almighty God according to the dictates of their own consciences.</p>

		<p>Article XXXI. That no clergyman, or preacher of the gospel, of any denomination, shall be capable of being a member of either the Senate, House of Commons, or Council of State, while he continues in the exercise of pastoral function.</p> <p>Article XXXII. That no person, who shall deny the being of God or the truth of the Protestant religion, or the divine authority of the Old or New Testaments, or who shall hold religious principles incompatible with the freedom and safety of the State, shall be capable of holding any office or place of trust or profit in the civil department within this State.</p> <p>Article XXXIV. That there shall be no establishment of any one religious church or denomination in this State, in preference to any other; neither shall any person, on any presence whatsoever, be compelled to attend any place of worship contrary to his own faith or judgment, nor be obliged to pay, for the purchase of any glebe, or the building of any house of worship, or for the maintenance of any minister or ministry, contrary to what he believes right, or has voluntarily and personally engaged to perform; but all persons shall be at liberty to exercise their own mode of worship: — Provided, That nothing herein contained shall be construed to exempt preachers of treasonable or seditious discourses, from legal trial and punishment.”</p> <p>North Carolina Constitution 1776</p>
<b>South Carolina</b>	Anglican/ Church of England	<p>“Article XXXVIII. That all persons and religious societies who acknowledge that there is one God, and a future state of rewards and punishments, and that God is publicly to be worshipped, shall be freely tolerated. The Christian Protestant religion shall be deemed, and is hereby constituted and declared to be, the established religion of this State. That all denominations of Christian Protestants in this State, demeaning themselves peaceably and faithfully, shall enjoy equal religious and civil privileges. To accomplish this desirable purpose without injury to the religious property of those societies of Christians which are by law already incorporated for the purpose of religious</p>

		<p>worship, and to put it fully into the power of every other society of Christian Protestants, either already formed or hereafter to be formed, to obtain the like incorporation, it is hereby constituted, appointed, and declared that the respective societies of the Church of England that are already formed in this State for the purpose of religious worship shall still continue Incorporate and hold the religious property now in their possession. And that whenever fifteen or more male persons, not under twenty-one years of age, professing the Christian Protestant religion, and agreeing to unite themselves in a society for the purposes of religious worship, they shall, (on complying with the terms hereinafter mentioned,) be, and be constituted, a church, and be esteemed and regarded in law as of the established religion of the state, and on a petition to the legislature shall be entitled to be incorporated and to enjoy equal privileges. That every society of Christians so formed shall give themselves a name or denomination by which they shall be called and known in law, and all that associate with them for the purposes of worship shall be esteemed as belonging to the society so called. But that previous to the establishment and incorporation of the respective societies of every denomination as aforesaid, and in order to entitle them thereto, each society so petitioning shall have agreed to and subscribed in a book the following five articles, without which no agreement or union of men upon pretense of religion shall entitle them to be incorporated and esteemed as a church of the established religion of this State:</p> <p>1st. That there is one eternal God, and a future state of rewards and punishments.</p> <p>2d. That God is publicly to be worshipped.</p> <p>3d. That the Christian religion is the true religion.</p> <p>4th. That the holy scriptures of the Old and New Testaments are of divine inspiration, and are the rule of faith and practice.</p> <p>5th That it is lawful and the duty of every man being thereunto called by those that govern, to bear witness to the truth.”</p>
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		South Carolina Constitution 1778
<b>Pennsylvania</b>	Non-Denominational/ Protestant Christian Faith	<p>“Section. 2. That all men have a natural and unalienable right to worship Almighty God according to the dictates of their Own consciences and understanding: And that no man ought or of right can be compelled to attend any religious worship, or erect or support any place of worship, or maintain any ministry, contrary to, or against, his own free will and consent: nor can any man, who acknowledges the being of a God, be justly deprived or abridged of any civil right as a citizen, on account or his religious sentiments or peculiar mode of religious worship: And that no authority can or ought to be vested in, or assumed by any power whatever, that shall in any case interfere with, or In any manner controul, the right of conscience in the free exercise of religious worship.</p> <p>Section 10... shall each [representative] before they proceed to business take... the following oath or affirmation:</p> <p>‘I do believe in one God, the creator and governor of the universe, the rewarder of the good and punisher of the wicked. And I do acknowledge the Scriptures of the Old and New Testament to be given by Divine inspiration.’</p> <p>And no further or other religious test shall ever hereafter be required of any civil officer or magistrate in this state.”</p> <p>Pennsylvania Constitution 1776</p>
<b>New Jersey</b>	Non-Denominational/ Protestant Christian Faith	<p>“XVIII. That no person shall ever, within this Colony, be deprived of the inestimable privilege of worshipping Almighty God in a manner agreeable to the dictates of his own conscience; nor, under any pretense whatever, be compelled to attend any place of worship, contrary to his own faith and judgment; nor shall any person, within this Colony, ever be obliged to pay tithes, taxes, or any other rates, for the purpose of building or repairing any other church or churches, place or places</p>

		<p>of worship, or for the maintenance of any minister or ministry, contrary to what he believes to be right, or has deliberately or voluntarily engaged himself to perform.</p> <p>XIX. That there shall be no establishment of any one religious sect in this Province, in preference to another; and that no Protestant inhabitant of this Colony shall be denied the enjoyment of any civil right, merely on account of his religious principles; but that all persons, professing a belief in the faith of any Protestant sect, who shall demean themselves peaceably under the government, as hereby established, shall be capable of being elected into any office of profit or trust, or being a member of either branch of the Legislature, and shall fully and freely enjoy every privilege and immunity, enjoyed by others their fellow subjects.”</p> <p>New Jersey Constitution 1776</p>
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The history of the Society for the Propagation of the Gospel in Foreign Parts (SPG) reminds us, however, that American colonial charters, proclamations, and laws did not necessarily mean that they were implemented. In fact the history of the SPG instruct us that most of the colonial state-supported structures, with the exception of colonial New England, were defunded or inadequately funded—and this was especially true of the Anglican churches in British North America.

To conclude, the institution of the Protestant Christian Church—particularly the Church of England and the Puritan Congregational Churches of Colonial New England—remained a dominant force in American legal and constitutional law easily from the early 1600s up through the early 1800s, since the American Revolution (1775 – 1789) did not prohibit individual states from establishing state churches during this period. The Holy Bible, the English common law, and the sacred traditions of the various Protestant sects remained predominant in American law. As reflected in the state charters and by-laws, as cited above in Table 3, the principles of the Christian faith laid the natural-law foundations of American constitutional freedom, as reflected in the American *Declaration of Independence* (1776) and the U.S. Constitution (1787). These same Protestant Christian principles would eventually spell the death-knell to the institution of African slavery during the mid-1800s; and, through the Black Church, would continue to influence American constitutional law. Today, the orthodox Protestant Christian faith has not changed its fundamental perspectives on the “Two-Tables” theory of

civil government in United States. And this may be the source of future conflict within American social, economic, and political life for the next several decades.

**The End**

## APPENDIX E

### **“Established Churches in Early America”**

By John R. Vile<sup>197</sup>

“Although the establishment clause of the First Amendment clearly prohibits the creation of a national church, when the amendment was ratified in 1791 it did not eliminate established churches in those states where they still existed; indeed, it would have encountered opposition in those states if it had sought to do so.

#### **“Some states already had established churches when the First Amendment was ratified**

“Puritans and others came to the New World in search of religious freedom. Some of these very groups, however, sought to persecute others in order to further their own religions. Puritans persecuted Quakers and perceived heretics in Massachusetts; Roger Williams fled from Massachusetts in order to practice his religion in Rhode Island; and Baptists generally opposed establishments, although, with other opponents of specific establishments, they sometimes took it for granted that schools and other public institutions would reflect general Protestant sentiments.

“Congregationalism generally prevailed in the New England states, whereas the Church of England (Episcopal) generally prevailed in the Southern states (and in time usurped the Dutch Reformed Church in New York), and Quakers and their allies were prominent in the middle states. Although Maryland was originally founded in part to provide religious freedom for Roman Catholics, it eventually established the Episcopal Church.

#### **“Government directly aided established churches**

“Establishment generally meant that government provided direct aid to the church. Many colonies and early state constitutions also required officeholders or voters to take an oath stating that they adhered to the major tenets of the

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established faith. In 1787 the authors of Article 6 of the U.S. Constitution specifically precluded such test oaths as a condition for national office.

### **“Great Awakenings led to wave of disestablishments**

“The First Great Awakening in the 1730s and 1740s increased religious diversity, and the American Revolution furthered the impetus of Southern states to drop their affiliations with the Church of England, which most did between 1776 and 1790. The Second Great Awakening, which occurred after 1800 and created further religious diversity, led to another wave of disestablishments (Noll and Harlow 2007:29).

“New Hampshire kept its establishment until 1817; Connecticut kept its establishment until 1818; and Massachusetts did not abandon its state support for Congregationalism until 1833 (Kidd 1999: 1021). Between 1776 and 1796, however, in attempts to prevent undue clerical influence on state politics, seven states adopted constitutional provisions that excluded ministers from public office (Kidd 1999:1019).

### **[Thomas Jefferson efforts toward religious freedom]**

“One of the most public efforts to disestablish the church took place in Virginia. Thomas Jefferson introduced the Virginia Statute for Religious Freedom, which James Madison succeeded in getting adopted in 1786. As a state legislator, Madison beat back an attempt supported by Gov. Patrick Henry to provide tax money to pay for the salaries of religious teachers, a mild form of establishment, which might otherwise have prevailed.

“Concern about the distance between the Church of Jesus Christ of Latter-day Saints and the state in Utah delayed the state’s entry into the Union until the end of the 19th century.

“14th Amendment applied prohibition on established churches to the states Although the First Amendment originally restrained only the federal government, today’s Supreme Court interprets the 14th amendment so that it applies the provisions of the First Amendment equally to both the federal and state governments.

“Despite the provision in Article VI of the Constitution of 1787 prohibiting religious oaths as a condition for national office, from time to time individuals still

indicate their reluctance to elect individuals from nonmainstream, or non-Protestant, faiths.

“John F. Kennedy became the first Roman Catholic to be elected as a U.S. president in 1960; Mitt Romney, a Mormon who sought the Republican presidential nomination in 2008, encountered some opposition because of his faith.”

**The End**

## APPENDIX F

### **“Religion in Colonial America: Trends, Regulations, and Beliefs”<sup>198</sup>**

“To understand how America's current balance among national law, local community practice, and individual freedom of belief evolved, it's helpful to understand some of the common experiences and patterns around religion in colonial culture in the period between 1600 and 1776.

“In the early years of what later became the United States, Christian religious groups played an influential role in each of the British colonies, and most attempted to enforce strict religious observance through both colony governments and local town rules.

“Most attempted to enforce strict religious observance. Laws mandated that everyone attend a house of worship and pay taxes that funded the salaries of ministers. Eight of the thirteen British colonies had official, or “established,” churches, and in those colonies dissenters who sought to practice or proselytize a different version of Christianity or a non-Christian faith were sometimes persecuted.

“Although most colonists considered themselves Christians, this did not mean that they lived in a culture of religious unity. Instead, differing Christian groups often believed that their own practices and faiths provided unique values that needed protection against those who disagreed, driving a need for rule and regulation.

“In Europe, Catholic and Protestant nations often persecuted or forbade each other's religions, and British colonists frequently maintained restrictions against Catholics. In Great Britain, the Protestant Anglican church had split into bitter divisions among traditional Anglicans and the reforming Puritans, contributing to an English civil war in the 1600s. In the British colonies, differences among Puritan and Anglican remained.

“Between 1680 and 1760 Anglicanism and Congregationalism, an offshoot of the English Puritan movement, established themselves as the main organized denominations in the majority of the colonies. As the seventeenth and eighteenth century passed on, however, the Protestant wing of Christianity constantly gave

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<sup>198</sup> <https://www.facinghistory.org/nobigotry/religion-colonial-america-trends-regulations-and-beliefs>

birth to new movements, such as the Baptists, Methodists, Quakers, Unitarians and many more, sometimes referred to as “Dissenters.” In communities where one existing faith was dominant, new congregations were often seen as unfaithful troublemakers who were upsetting the social order.

“Despite the effort to govern society on Christian (and more specifically Protestant) principles, the first decades of colonial era in most colonies were marked by irregular religious practices, minimal communication between remote settlers, and a population of “Murtherers, Theeves, Adulterers, [and] idle persons.” An ordinary Anglican American parish stretched between 60 and 100 miles, and was often very sparsely populated. In some areas, women accounted for no more than a quarter of the population, and given the relatively small number of conventional households and the chronic shortage of clergymen, religious life was haphazard and irregular for most. Even in Boston, which was more highly populated and dominated by the Congregational Church, one inhabitant complained in 1632 that the “fellows which keepe hogges all weeke preach on the Sabboth.”

“Christianity was further complicated by the widespread practice of astrology, alchemy and forms of witchcraft. The fear of such practices can be gauged by the famous trials held in Salem, Massachusetts, in 1692 and 1693. Surprisingly, alchemy and other magical practices were not altogether divorced from Christianity in the minds of many “natural philosophers” (the precursors of scientists), who sometimes thought of them as experiments that could unlock the secrets of Scripture. As we might expect, established clergy discouraged these explorations.

“In turn, as the colonies became more settled, the influence of the clergy and their churches grew. At the heart of most communities was the church; at the heart of the calendar was the Sabbath—a period of intense religious and “secular” activity that lasted all day long. After years of struggles to impose discipline and uniformity on Sundays, the selectmen of Boston at last were able to “parade the street and oblige everyone to go to Church . . . on pain of being put in Stokes or otherwise confined,” one observer wrote in 1768. By then, few communities openly tolerated travel, drinking, gambling, or blood sports on the Sabbath.

“Slavery—which was also firmly established and institutionalized between the 1680s and the 1780s—was also shaped by religion. The use of violence against slaves, their social inequality, together with the settlers’ contempt for all religions other than Christianity “resulted in destructiveness of extraordinary breadth, the

loss of traditional religious practices among the half-millions slaves brought to the mainland colonies between 1680s and the American Revolution.” Even in churches which reached out to convert slaves to their congregations—the Baptists are a good example—slaves were most often a silent minority. If they received any Christian religious instructions, it was, more often than not, from their owners rather than in Sunday school.

“Local variations in Protestant practices and ethnic differences among the white settlers did foster a religious diversity. Wide distances, poor communication and transportation, bad weather, and the clerical shortage dictated religious variety from town to town and from region to region. With French Huguenots, Catholics, Jews, Dutch Calvinists, German Reformed pietists, Scottish Presbyterians, Baptists, Quakers, and other denominations arriving in growing numbers, most colonies with Anglican or Congregational establishments had little choice but to display some degree of religious tolerance. Only in Rhode Island and Pennsylvania was toleration rooted in principle rather than expedience. Indeed, Pennsylvania’s first constitution stated that all who believed in God and agreed to live peacefully under the civil government would “in no way be molested or prejudiced for their religious persuasion or practice.” However, reality often fell short of that ideal.

### **“New England**

“Most New Englanders went to a Congregationalist meetinghouse for church services. The meetinghouse, which served secular functions as well as religious, was a small wood building located in the center of town. People sat on hard wooden benches for most of the day, which was how long the church services usually lasted. These meeting houses became bigger and much less crude as the population grew after the 1660s. Steeples grew, bells were introduced, and some churches grew big enough to host as many as one thousand worshippers.

An illustration of a plain, rectangular, white building.  
Colonial-Era Meeting House, Sandown, New Hampshire

“In contrast to other colonies, there was a meetinghouse in every New England town. In 1750 Boston, a city with a population of 15000, had eighteen churches. In the previous century church attendance was inconsistent at best. After the 1680s, with many more churches and clerical bodies emerging, religion in New England became more organized and attendance more uniformly enforced. In even sharper contrast to the other colonies, in New England most newborns were baptized by the church, and church attendance rose in some areas to 70 percent of

the adult population. By the eighteenth century, the vast majority of all colonists were churchgoers.

“The New England colonists—with the exception of Rhode Island—were predominantly Puritans, who, by and large, led strict religious lives. The clergy was highly educated and devoted to the study and teaching of both Scripture and the natural sciences. The Puritan leadership and gentry, especially in Massachusetts and Connecticut, integrated their version of Protestantism into their political structure. Government in these colonies contained elements of theocracy, asserting that leaders and officials derived that authority from divine guidance and that civil authority ought to be used to enforce religious conformity. Their laws assumed that citizens who strayed away from conventional religious customs were a threat to civil order and should be punished for their nonconformity.

“Despite many affinities with the established Church of England, New England churches operated quite differently from the older Anglican system in England. Massachusetts Bay and Connecticut had no church courts to levy fines on religious offenders, leaving that function to the civil magistrates. Congregational churches typically owned no property (even the local meetinghouse was owned by the town and was used to conduct both town meetings and religious services), and ministers, while often called upon to advise the civil magistrates, played no official role in town or colony governments.

“In those colonies, the civil government dealt harshly with religious dissenters, exiling the likes of Anne Hutchinson and Roger Williams for their outspoken criticism of Puritanism, and whipping Baptists or cropping the ears of Quakers for their determined efforts to proselytize. Official persecution reached its peak between 1659 and 1661, when Massachusetts Bay’s Puritan magistrates hung four Quaker missionaries.

“Yet, despite Puritanism’s severe reputation, the actual experience of New England dissenters varied widely, and punishment of religious difference was uneven. England’s intervention in 1682 ended the corporal punishment of dissenters in New England. The Toleration Act, passed by the English Parliament in 1689, gave Quakers and several other denominations the right to build churches and to conduct public worship in the colonies. While dissenters continued to endure discrimination and financial penalties well into the eighteenth century, those who did not challenge the authority of the Puritans directly were left unmolested and were not legally punished for their “heretical” beliefs.

## **“Mid-Atlantic and Southern Colonies**

“Inhabitants of the middle and southern colonies went to churches whose style and decoration look more familiar to modern Americans than the plain New England meeting houses. They, too, would sit in church for most of the day on Sunday. After 1760, as remote outposts grew into towns and backwoods settlements became bustling commercial centers, Southern churches grew in size and splendor. Church attendance, abysmal as it was in the early days of the colonial period, became more consistent after 1680. Much like the north, this was the result of the proliferation of churches, new clerical codes and bodies, and a religion that became more organized and uniformly enforced. Toward the end of the colonial era, churchgoing reached at least 60 percent in all the colonies.

“The middle colonies saw a mixture of religions, including Quakers (who founded Pennsylvania), Catholics, Lutherans, a few Jews, and others. The southern colonists were a mixture as well, including Baptists and Anglicans. In the Carolinas, Virginia, and Maryland (which was originally founded as a haven for Catholics), the Church of England was recognized by law as the state church, and a portion of tax revenues went to support the parish and its priest.

“Virginia imposed laws obliging all to attend Anglican public worship. Indeed, to any eighteenth observer, the “legal and social dominance of the Church of England was unmistakable.” After 1750, as Baptist ranks swelled in that colony, the colonial Anglican elite responded to their presence with force. Baptist preachers were frequently arrested. Mobs physically attacked members of the sect, breaking up prayer meetings and sometimes beating participants. As a result, the 1760s and 1770s witnessed a rise in discontent and discord within the colony (some argue that Virginian dissenters suffered some of the worst persecutions in antebellum America).

“In the Carolinas, New York, New Jersey, and Delaware, Anglicans never made up a majority, in contrast to Virginia. With few limits on the influx of new colonists, Anglican citizens in those colonies needed to accept, however grudgingly, ethnically diverse groups of Presbyterians, Baptists, Quakers, members of the Dutch Reformed Church, and a variety of German Pietists.

“Maryland was founded by Cecilius Calvert in 1634 as a safe haven for Catholics. The Catholic leadership passed a law of religious toleration in 1649, only to see it repealed it when Puritans took over the colony’s assembly. Clergy

and buildings belonging to both the Catholic and Puritan religions were subsidized by a general tax.

“Quakers founded Pennsylvania. Their faith influenced the way they treated Indians, and they were the first to issue a public condemnation of slavery in America. William Penn, the founder of the colony, contended that civil authorities shouldn’t meddle with the religious/spiritual lives of their citizens. The laws he drew up pledged to protect the civil liberties of “all persons . . . who confess and acknowledge the one almighty and eternal God to be the creator, upholder, and ruler of the world.”

### **Religious Revival**

“A religious revival swept the colonies in the 1730s and 1740s. Shortly after the English evangelical and revivalist George Whitefield completed a tour of America, Jonathan Edwards delivered a sermon entitled “Sinners in the Hands of an Angry God,” stirring up a wave of religious fervor and the beginning of the Great Awakening. Relying on massive open-air sermons attended at times by as many as 15,000 people, the movement challenged the clerical elite and colonial establishment by focusing on the sinfulness of every individual, and on salvation through personal, emotional conversion—what we call today being “born again.” By discounting worldly success as a sign of God’s favor, and by focusing on emotional transformation (pejoratively dubbed by the establishment as “enthusiasm”) rather than reason, the movement appealed to the poor and uneducated, including slaves and Indians.

“In retrospect, the Great Awakening contributed to the revolutionary movement in a number of ways: it forced Awakeners to organize, mobilize, petition, and provided them with political experience; it encouraged believers to follow their beliefs even if that meant breaking with their church; it discarded clerical authority in matters of conscience; and it questioned the right of civil authority to intervene in all matters of religion. In a surprising way, these principles sat very well with the basic beliefs of rational Protestants (and deists). They also helped clarify their common objections to British civil and religious rule over the colonies, and provided both with arguments in favor of the separation of church and state.”

## **Rationalism**

“Despite the evangelical, emotional challenge to reason underlying the “Great Awakening,” by the end of the colonial period, Protestant rationalism remained the dominant religious force among the leaders of most of the colonies: “The similarity of belief among the educated gentry in all colonies is notable. . . . [There] seem to be evidence that some form of rationalism—Unitarian, deist, or otherwise—was often present in the religion of gentlemen leaders by the late colonial period.” Whether Unitarian, deist, or even Anglican/Congregational, rationalism focused on the ethical aspects of religion. Rationalism also discarded many “superstitious” aspects of the Christian liturgy (although many continued to believe in the human soul and in the afterlife). The political edge of this argument was that no human institution—religious or civil—could claim divine authority. In addition, in their search for God’s truths, rationalists such as Thomas Jefferson and Benjamin Franklin valued the study of nature (known as “natural religion”) over the Scriptures (or “revealed religion”).

“At the core of this rational belief was the idea that God had endowed humans with reason so that they could tell the difference between right and wrong. Knowing the difference also meant that humans made free choices to sin or behave morally. The radicalization of this position led many rational dissenters to argue that intervention in human decisions by civil authorities undermined the special covenant between God and humankind. Many therefore advocated the separation of church and state.

“Taken further, the logic of these arguments led them to dismiss the divine authority claimed by the English kings, as well as the blind obedience compelled by such authority. Thus, by the 1760s, they mounted a two-pronged attack on England: first, for its desire to intervene in the colonies’ religious life and, second, for its claim that the king ruled over the colonies by divine inspiration. Once the link to divine authority was broken, revolutionaries turned to Locke, Milton, and others, concluding that a government that abused its power and hurt the interests of its subjects was tyrannical and as such deserved to be replaced.”

**The End**