

THE
Statutes at Large;
BEING
A COLLECTION
OF ALL THE
LAWS OF VIRGINIA,
FROM THE
FIRST SESSION OF THE LEGISLATURE,
IN THE YEAR 1619.

PUBLISHED PURSUANT TO AN ACT OF THE GENERAL ASSEMBLY
OF VIRGINIA, PASSED ON THE FIFTH DAY OF FEBRUARY,
ONE THOUSAND EIGHT HUNDRED AND EIGHT.

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VOLUME XII.

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By WILLIAM WALLER HENING.

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“The *Laws* of a country are necessarily connected with every thing be-
longing to the people of it: so that a thorough knowledge of *them*, and
of their progress would inform us of every thing that was most use-
ful to be known about them; and one of the greatest imperfections
of historians in general, is owing to their ignorance of law.”

PRIESTLEY'S LECT. ON HIST. VOL. I. pa. 149.

RICHMOND:
PRINTED FOR THE EDITOR,
By GEORGE COCHRAN.

1823.

land of John Campbell, in the county of Jefferson, across the Ohio river, to the mouth of Silver creek, for a man one shilling, and for a horse the same; from the said land across the Ohio river, to the mouth of Mill-Run, for a man nine pence, and for a horse the same. And for the transportation of wheel carriages, tobacco, cattle, and other beasts, at the places aforesaid, the ferry-keepers may respectively demand and take the same rates as by law are established at other ferries.—

Penalty for exceeding legal rates.

If any ferry-keeper shall demand or receive from any person or persons whatsoever, any greater rates than are hereby allowed for the ferrage or carriage of any thing, he shall, for every such offence, forfeit and pay to the party grieved the ferrages demanded or received, and ten shillings; to be recovered, with costs, before a justice of the peace of the county where the offence shall be committed.

CHAP. XXXIV.

From revised bills of 1779. ch. LXXXII.

*An act for establishing religious freedom.**

Preamble.

I. WHEREAS Almighty God hath created the mind free; that all attempts to influence it by temporal punishments or burthens, or by civil incapacitations, tend only to beget habits of hypocrisy and meanness, and are a departure from the plan of the Holy author of our religion, who being Lord both of body and mind, yet chose not to propagate it by coercions on either, as was in his Almighty power to do; that the impious presumption of legislators and rulers, civil as well as ecclesiastical, who being themselves but fallible and uninspired men, have assumed dominion over the faith of others, setting up their own opinions and modes of thinking as the only true and infallible, and as such endeavouring to impose them on others, hath established

* In the preamble to this act, some variations have been made from the original bill, as reported by the revisors, which render the style less elegant, though the sense is not affected. See the note to edi. 1814. pa. 41.

and maintained false religions over the greatest part of the world, and through all time; that to compel a man to furnish contributions of money for the propagation of opinions which he disbelieves, is sinful and tyrannical; that even the forcing him to support this or that teacher of his own religious persuasion, is depriving him of the comfortable liberty of giving his contributions to the particular pastor, whose morals he would make his pattern, and whose powers he feels most persuasive to righteousness, and is withdrawing from the ministry those temporary rewards, which proceeding from an approbation of their personal conduct, are an additional incitement to earnest and unremitting labours for the instruction of mankind; that our civil rights have no dependence on our religious opinions, any more than our opinions in physics or geometry; that therefore the proscribing any citizen as unworthy the public confidence by laying upon him an incapacity of being called to offices of trust and emolument, unless he profess or renounce this or that religious opinion, is depriving him injuriously of those privileges and advantages to which in common with his fellow-citizens he has a natural right; that it tends only to corrupt the principles of that religion it is meant to encourage, by bribing with a monopoly of wordly honours and emoluments, those who will externally profess and conform to it; that though indeed these are criminal who do not withstand such temptation, yet neither are those innocent who lay the bait in their way; that to suffer the civil magistrate to intrude his powers into the field of opinion, and to restrain the profession or propagation of principles on supposition of their ill tendency, is a dangerous fallacy, which at once destroys all religious liberty, because he being of course judge of that tendency will make his opinions the rule of judgment, and approve or condemn the sentiments of others only as they shall square with or differ from his own; that it is time enough for the rightful purposes of civil government, for its officers to interfere when principles break out into overt acts against peace and good order; and finally, that truth is great and will prevail if left to herself, that she is the proper and sufficient antagonist to error, and has nothing to fear from the conflict, unless by human interposition disarmed of her natural weapons, free argument and debate, errors

ceasing to be dangerous when it is permitted freely to contradict them:

None compelled to frequent, or support any religious worship. All free to profess, & by arggument to maintain their religious opinions.

II. *Be it enacted by the General Assembly*, That no man shall be compelled to frequent or support any religious worship, place, or ministry whatsoever, nor shall be enforced, restrained, molested, or burthened in his body or goods, nor shall otherwise suffer on account of his religious opinions or belief; but that all men shall be free to profess, and by argument to maintain, their opinion in matters of religion, and that the same shall in no wise diminish, enlarge, or affect their civil capacities.

Declaration that the rights by this act asserted, are of the natural rights of man.

III. And though we well know that this assembly elected by the people for the ordinary purposes of legislation only, have no power to restrain the acts of succeeding assemblies, constituted with powers equal to our own, and that therefore to declare this act to be irrevocable would be of no effect in law; yet we are free to declare, and do declare, that the rights hereby asserted are of the natural rights of mankind, and that if any act shall be hereafter passed to repeal the present, or to narrow its operation, such act will be an infringement of natural right,

CHAP. XXXV.

An act for dividing the county of Hampshire.

Hampshire county divided and newly formed.

BE it enacted by the General Assembly, That from and after the first day of February next, the county of Hampshire shall be divided into two distinct counties, by a line beginning at the north branch of Potomack, opposite to the mouth of Savage river, and running thence in a direct course so as to strike the upper end of the plantation known by the name of Myres's mill, on New creek; thence in a direct course to John Lewis's mill, on Patterson's creek; thence in a direct course to the highest part of the mountain known by the name of the High Nob; thence in a direct course to the gap

resolves